

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN RIGHTS,
et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,

Defendants.

Case No.

2:20-cv-02291-

DOC-KES

HEARING

DATE: Thursday, May 7, 2020

TIME: 10:03 a.m.

BEFORE: Honorable David O. Carter

LOCATION: Alexandria Hotel Ballroom

501 South Spring Street

Los Angeles, California 90013

REPORTED BY: Austin Che, Notary Public

JOB No.: 4107129

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ALSO PRESENT:

Judge Andre Birotte, Jr.

Lauren Black

Joe Buscaino, Los Angeles City Council

Heidi Marston, Los Angeles Homeless Services
Authority

Michele Martinez

Nury Martinez, Los Angeles City Council

Byron McLain, County of Los Angeles

Christina Miller, City of Los Angeles

Shayla Myers, Legal Aid Foundation of Los Angeles

Jeff Newman, Caltrans

Carol Sobel

Brooke Weitzman

Unidentified Male Speaker

Unidentified Female Speaker

I N D E X

WITNESS (ES) : DX CX RDX RCX

(None taken.)

E X H I B I T S

NO.	DESCRIPTION	PAGE
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(None marked.)

P R O C E E D I N G S

THE COURT: All right, then. We're on the record. Judge Birotte joined by this Court today. A little bit more formal session. After our initial and preliminary discussions today, we'll be back in federal court as quickly as possible -- as soon as the federal court opens up. It's going to become much, much more formal. Michelle, will you ask the United States Marshal to step in, along with the -- I'd like to pay my respects to the Marshal's office today.

I'd like to begin the Court's session this morning by honoring the United States Marshals presence. So, Inspector Marshal of the day, would you step forward, sir? And also joined today is Marshal Quan. If you notice, Cooper is the dog and Cooper has done a search of all of you coming in. I'm just kidding you. But Cooper is our security and bomb dog. And I want to thank both of you for being here as well. Marshal Darcey, it's a pleasure to see you again, with all the trials we've been in together. And I want to honor you, and as well as Marshal Diaz. Marshal Diaz, thank you very much. So, you'll be our security for today and throughout the rest of the proceedings, because we're going to become much, much more formal.

Although Judge Birotte and I are not

1 wearing a robe today, we're going to step up the
2 formality of the Court, and we're returning to federal
3 court as quickly as possible.

4 Each of you pledged to me that you would
5 have the ability to make a decision today. Is that
6 correct? I don't believe it. I'll put that on the
7 record. I think you're going to have to call somebody.
8 So, I want you to look around and notice who is not
9 here. And by me not mentioning those names, I'm not
10 going to embarrass anybody. But I can assure you the
11 next time those people will be invited, or if an answer
12 is filed they will be formally ordered to court.
13 Because if we get into these negotiations, preliminarily
14 I understand why persons might not want to be here. But
15 the lawyers, in the long run, will not control this
16 process. You'll enter into the discussion, but this
17 will be through the principals involved. So, I expect
18 you to keep them absolutely informed at all times. So,
19 if I reach out or they reach out to me, they're
20 knowledgeable. And that's an affirmative nod by
21 everybody in this room. Okay.

22 Now, the advocates are here in person.

23 MS. MICHELE MARTINEZ: A little closer.
24 We can't hear. We can't hear.

25 THE COURT: All right. So, first, I'm

1 going to start with something that I'm very, very
2 appreciative of, and that is the hard work by Carol
3 Sobel and by Mayor Joe -- I know him as Mayor Joe so,
4 Mayor Joe, come on up for just a moment. I can attest
5 to the hours that they spent on Zoom, along with Judge
6 Smith, who is supposed to be on Zoom, and this is
7 actually the formality and the Court's acceptance today
8 of the Whittier settlement. On the last occasion, the
9 council and the advocates had represented that this had,
10 in fact, taken place. But they worked extraordinary
11 hard to secure all the signatures. So, just a few brief
12 words from Mayor Joe, because you're sitting out,
13 because -- come forth with the settlement.

14 MR. VINATIERI: Thank you. May it please
15 the Court, ladies and gentlemen, if there's any
16 questions where I'm from, I'm Whittier -- the mayor of
17 the city of Whittier. I'm very pleased to be here
18 today, because we have a final settlement agreement
19 that's been signed by all the parties, and has taken
20 many months to happen. And today is a very important
21 day for the residents -- all residents of the city of
22 Whittier, because we are stepping up as a city, Your
23 Honor, and we're making a statement that they're going
24 to take care of all the people, all the people of our
25 city.

1 We very much appreciate the leadership,
2 the guidance, of the mayor of the city of Bellflower,
3 Juan Garza, who basically showed us the way. We are the
4 second city in the county of Los Angeles to enter into
5 the settlement agreement. We are responding to our
6 residents' needs, and ensuring that their quality of
7 life is maintained in our parks, our public spaces, and
8 we're looking forward to actually getting our navigation
9 center up and running very shortly.

10 We very much want to say thank you to the
11 active support of Judge Smith, Judge Carter, Michele
12 Martinez. We say thank you to Carol and to Brooke for
13 their willingness to talk about these critical issues,
14 and have lots of long negotiations that have now brought
15 a solution that's both financially feasible and ensures
16 the stable services in Whittier former residents who are
17 experiencing homelessness.

18 I want to encourage everyone here, the
19 County of Los Angeles, the City of Los Angeles -- again,
20 the County of Los Angeles and the City of Los Angeles,
21 to be part of this process. It's long. It's arduous.
22 It takes time and commitment and resolve. But ladies
23 and gentlemen, it's worth it. Thank you so very much,
24 Your Honor.

25 THE COURT: Thank you very much. All

1 right. I'm going to formally accept this settlement
2 document at this time, and I'm going to order that it be
3 docketed under 18-cv-00155. And Gary or Carol, if you
4 could formally docket that with the Court, I would
5 appreciate that. I've also got the signed copy. And
6 once again, I want to very humbly than, you. That was a
7 long, arduous, well thought out process, with a lot of
8 agreements, but a lot of disagreements that took a lot
9 of courage on both of your parts.

10 I want to say, going into this, that what
11 you've accomplished is -- we'll talk about the extremes
12 the later on, the 5 percent, the 10 percent that we're
13 going to bicker about and be concerned about. And we
14 should, on both sides. But there -- the vast majority,
15 the 60 to 70 percent of these people seeking shelter,
16 humbly wanting to get a roof over their head, and for
17 the betterment of the community -- and I'm going to
18 constantly ask through this process, what are we able to
19 show to our citizens along the way also about some
20 progress in the common person's life in a community
21 that's measurable and seeable and doable, as we also
22 discuss the compassion that we need for the homeless.
23 So, there's the public also deserves to have credit in
24 this, and our continued support, because we can produce
25 the document. So, I humbly believe that we're going to

1 end up, if we can reach agreements in the next few days
2 or few weeks, with 60 to 70 percent of the people who
3 just humbly want to come into shelter, that will take
4 care of our neighborhoods, treat the homeless with
5 compassion, and what I hope is that we do not get bogged
6 down with the 5 percent, et cetera, and if we do that we
7 can reach some kind of accommodation to narrow those
8 numbers and to treat them with better resources.

9 Now, I'm going to bring forward a couple
10 people. But, I want to read to you just for a moment,
11 and I'm going to read slowly for a change, for the court
12 reporter:

13 "Let's call it what it is -- a disgrace -- that the
14 richest state in the richest nation, succeeding
15 across so many sectors, is failing to properly
16 house, heal and humanely treat so many of its own
17 people. Every day, the California Dream is dimmed
18 by the wrenching reality of families, children and
19 seniors living unfed on a concrete bed. Military
20 veterans who wore the uniform of our country in a
21 foreign land, abandoned here at home. LGBTQ youth
22 fleeing abuse and rejection from their families and
23 communities. Faces of despair. Failed by our
24 country's leaders and our nation's institutions.
25 As Californians, we pride ourselves on our

1 unwavering sense of compassion and justice for
2 humankind -- but there's nothing compassionate
3 about allowing fellow Californians to live on the
4 streets, huddled in cars or makeshift encampments.
5 And there's nothing just about sidewalks and street
6 corners that aren't safe and clean for everybody.
7 The problem has persisted for decades -- caused by
8 massive failures in our mental health system and
9 disinvestment in our social safety net --
10 exacerbated by widening income inequality and
11 California's housing shortage. The hard truth is
12 we ignored the problem. We turned away when it
13 wasn't our sister, our brother, our neighbor, our
14 friend. And when it was a loved one, help wasn't
15 there. Most of us experienced homelessness as a
16 pang of guilty, not as a call to action. It became
17 normalized. Concentrated in skid rows and tent
18 cities in big urban centers. Now it's no longer
19 isolated. In fact, some of the most troubling
20 increases have occurred in rural areas, in small
21 towns, and remote parts of our state. No place is
22 immune. No person untouched. And too often, no
23 one wants to take responsibility. I've even heard
24 local officials proclaim in public it's not my
25 problem. Servants of the public too busy pointing

1 fingers to step up and help. That's shameful.
2 Black Californians alone comprise 8 percent of Los
3 Angeles's population -- but 42 percent of its
4 homelessness. And a recent poll found nearly half
5 of Latinos in the state are afraid that they or
6 their family could become homeless. We have also
7 directed Caltrans to make better use of other
8 unoccupied spaces to get homeless housing up as
9 fast as possible. Because you can't manage what
10 you don't measure, it's time to start measuring.
11 It's time for our failed policy of not my problem
12 to be replaced by one shared responsibility across
13 every sector and every community. Of course, the
14 fundamental building of California's solution has
15 to be more housing. But now our imperative must be
16 bringing governments together as working partners,
17 not sparring partners in a court of law. I don't
18 think homelessness can be solved. I know
19 homelessness can be solved. That's our cause.
20 This is our calling. Let us rise to the challenge
21 and make California stand as an exemplar of what
22 true courage and compassion can achieve. Let's get
23 to work."

24 Humbly, I say that I wish I could have
25 written something like that. But that's from the

1 governor of the state of California. That's in his
2 State of the State address, a call to action. I think
3 we could substitute that for all of us here in Los
4 Angeles as a call to action.

5 The second thing I'd like to say before
6 we really get started with the hard work is that I want
7 to thank all of you. I can be pretty abrupt and pretty
8 abrasive, and if I've been I want to humbly apologize to
9 you. We're working 24 hours a day, just like you are.

10 By the same token, I don't have any
11 tolerance for inertia. I'm not going to spend my time,
12 if we can't get down to basic, simple, readable, doable
13 documents. And so, I want to start on a very positive
14 note and thank all of you in this action for having
15 demonstrated a very enlightened approach to addressing
16 the issues before us. The agreement of all of you as
17 parties that the Court would be allowed and encouraged
18 to engage in ex parte communication, with Judge Birotte
19 and myself and others, and nonparties, in pursuit of a
20 humane and efficient solution to these problems created
21 by homelessness has really enabled both of us, and our
22 colleagues to acquire a much better understanding of the
23 issues presented than would be possible in a more
24 conventional framework.

25 So, from the beginning I've said to you

1 that you're going to come to see the federal court
2 anyway. You normally come to see us when it's too late.
3 The problem has occurred, you're suing over a past harm,
4 and this is a much different solution. Because by
5 working together on the front side, hopefully we can
6 achieve so much more than we can on the back side, when
7 the Court is giving you direction two years after the
8 problem even occurred.

9 I want especially to begin by thanking
10 Nury Martinez, who is here, who is the president of the
11 Los Angeles City Council, and the vice chair Joe
12 Buscaino -- but all of their colleagues. In visiting
13 with each one of these colleagues and spending a
14 significant period of time in each of their districts, I
15 can't tell you how humbled I am by their description of
16 their district, their problems, and their vision of what
17 they believe should occur. And by the way, they're not
18 here in front of me.

19 So, the wonderful thing about all of us
20 in Los Angeles is the mosaic, our differences, that
21 bring this great city together. But that's also, in a
22 sense, a partial weakness. And that is, how do you get
23 15 districts moving together. And we're going to
24 discuss that today in terms of process and procedure,
25 right at the beginning of our substantive discussion.

1 So, I also want to thank Kathryn Barger
2 and the Board of Supervisors, and pay an equal
3 compliment. She's been responsive on every phone call
4 between Judge Birotte, who also has a very close and
5 personal friendship with her and the Court. And I also
6 want to humbly thank Mayor Garcetti. I want to
7 especially say on the record that I know that there has
8 been an effort on the mayor's part for 15,000 units, et
9 cetera. I know that he is as of -- well, I call it the
10 Garcetti hour, but 24 shelters 87 percent capacity, 900
11 people in your rec centers, 505 recently acquired hotel
12 spaces in Operation Roomkey, a 25 percent jump,
13 according to my notes. 2,700 rooms countywide, a new
14 hotel that was added with 450 rooms, close to the
15 epicenter of Skid Row.

16 Before anybody gets on a level of
17 criticism, the Court wants to step up and compliment the
18 mayor and compliment this courageous council. Because
19 this is success. It may be incremental. It may not be
20 fast enough, because this problem got created over 20 or
21 30 years of neglect. And it's been put on this
22 generation to try to solve this in such a short period
23 of time. So, you're not going to hear from this Court a
24 complaint thus far about the speed, except we'll discuss
25 that privately. Okay.

1 Lastly, before I turn this over to,
2 first, the chair and president of the council, one of
3 the advocates said -- and this isn't too much of a
4 breach of the settlement -- any long-term plan for
5 addressing people experiencing homeless in the Los
6 Angeles region has to include a variety of alternatives,
7 and it must involve clear timelines for achieving
8 objectives without breaking any of your confidential
9 agreements and submissions to the Court. As late as
10 last night at 10:00, every one of you said the same
11 thing in every document written to the Court. And that
12 is you need a metric.

13 And I'm going to ask you how that metric
14 can possibly occur without a settlement. Because if the
15 courts are involved, your metric is us writing a
16 decision about bulky items, or trash. Where is your
17 metric in that. The only metric that you're going to
18 ever have with the Court's help is a metric through a
19 settlement process. And if you enter into an agreement,
20 I know Judge Birotte and this Court, and I'm pretty sure
21 Judge Gutierrez and I hope Dolly Gee, and a lot of our
22 colleagues are going to make you honor that. So,
23 therefore, we're serious if you're serious. So, when we
24 discuss this this has to be measurable, definable, and
25 it has to have the weight of the Court to make that

1 happen. And if not, tell me.

2 The final thing is this. If, in fact,
3 you are inertia bound, if you are here to tell me either
4 why you can't do it or why we're going to send it back
5 to a committee for the rest of my natural life, and
6 study it to death, then I'm not interested. And let me
7 repeat that. And I don't think Judge Birotte is
8 interested. Are you?

9 JUDGE BIROTTE: No.

10 THE COURT: I don't think Judge Gonzalez
11 is interested. I don't think the federal court is
12 interested. So, when I hear that your districts are
13 going to be redrawn in two years, and there might be a
14 district different -- nonsense. It's now. And I have
15 never seen a council come together with this kind of
16 leadership and courage. I've never heard from a mayor
17 in the country calling for a FEMA-like approach. I have
18 never had the leadership -- and this is not denigrating
19 Orange County, but never had the leadership that I've
20 seen with your supervisors coming together and saying to
21 all of us get it done. It won't be pretty, but get it
22 done.

23 So, if you can't get it done at any time
24 in these discussions, just put it on the record. Say I
25 can't represent so and so, I give up, the problem is too

1 big for me and my group. Therefore, inertia -- just
2 make that statement. But make it on the record for me,
3 because I know you can get it done.

4 Now lastly, I'll say this. We're a mess.
5 But that on the record, M-E-S-S. We have such well-
6 intentioned people in this county that I'm astounded at
7 who you are. I'm very complimentary. But you are so
8 stovepiped and so silent in our bureaucratic maze that
9 I'm astounded that you got anything built or any
10 resolution. And it's a real compliment to what you've
11 been able to achieve thus far. And somehow, that has to
12 get broken. And so, we're going to have some very blunt
13 discussions about that in a myriad number of ways.
14 Because I don't see that one entity that's able to take
15 all of your good intentions and break down all of those
16 barriers with the force of a hammer, quite frankly.

17 Now, I want to especially compliment the
18 president and vice chair. I'll tell you, president --
19 if it's okay, Nury -- but, if you'd come up here a
20 moment -- well --

21 MS. NURY MARTINEZ: Yeah. Sure.

22 THE COURT: Yeah, well, the pandemic is
23 supposed to be over, so --

24 MS. NURY MARTINEZ: Do you want me to --

25 THE COURT: Yeah. You don't have to

1 touch it. There.

2 MS. NURY MARTINEZ: There you go. Do you
3 want me to take --

4 THE COURT: I want you to be wherever you
5 want to. You're the president -- the chair.

6 MS. NURY MARTINEZ: Can everyone hear me?
7 First off, I want to thank -- I wanted to take the
8 opportunity to say thank you to Judge Carter for your
9 active engagement on this crisis. We are here today
10 with the hope of beginning a fair dialogue and a robust
11 debate. We are here with the hope that we will
12 establish a path forward that will uphold all collective
13 obligations to both help those suffering from
14 homelessness as well as ensuring conditions for many of
15 our neighbors are improved. And frankly, we are here
16 today because of your direct involvement, your desire to
17 roll up your sleeves, walk street by street in our
18 communities, and talk to so many people. And for
19 pushing for change and pushing everyone on all sides
20 well past their comfort levels. Because that's what
21 real solutions look like. So, thank you, Judge Carter.

22 It is my hope that we can capitalize on
23 the opportunities with this brief -- this gift to
24 finally establish a true tangible path forward that in
25 -- always and in all directions is fair and complete to

1 everyone involved.

2 I've been on the city council since 2013.
3 And every day since then, I gain -- I've seen the
4 impacts that this homelessness crisis has had on
5 everyone, from the people who are living on the streets
6 to children in motels and chairs, and it's devastating.
7 This is no way to live. And I've seen many of my
8 colleagues so committed to doing the right thing,
9 struggle to do enough, struggle to make impact, and
10 struggle with the sense that no matter what you do it's
11 simply not enough.

12 It has been incredibly frustrating to see
13 not everyone, and not every neighborhood, do its fair
14 share. It's been painful to see so many disadvantaged
15 neighborhoods -- the same neighborhoods that have
16 historically stepped up and said yes to affordable
17 housing, supportive housing, and shelters -- I've seen
18 those communities got a raw deal. They've gotten a raw
19 deal because while they say yes to their
20 responsibilities, lawsuits and policies have resulted in
21 gridlock and limited and precious public space for our
22 neighborhoods. We cannot address vehicle dwelling,
23 camping rules, or overflow of personal belongings, and
24 we cannot implement adequate cleanup methods to
25 effectively protect public health and maintain our

1 public right of way.

2 And worse, it often feels that at the
3 city level we're in this alone. Housing and shelter is
4 clearly needed, and we cannot deny that. But mental
5 health, addiction are just as critical. And yet, it's
6 hard to really see any meaningful action, progress or
7 financial investment to adequately address this
8 underlying issue moving forward anytime soon without the
9 county, state and federal involvement. We cannot begin
10 to address all of this if we're not willing to address
11 mental health and drug addiction, to be able to finally
12 stop this crisis. And our neighborhoods will continue
13 to shoulder the burden.

14 NIMYBism has led to other communities
15 avoiding their responsibilities to do their fair share.
16 And because collectively not enough has been done,
17 encampments are not being cleaned, kids can no longer
18 walk to the park or libraries, and folks who clearly
19 need mental and drug addiction assistance are being left
20 to die in our streets. And each one of these things is
21 heartbreaking and devastating, and it should not be
22 happening.

23 Frankly, communities that are willing to
24 do their fair share are create -- or not -- I'm sorry,
25 frankly, communities who are not willing to do their

1 fair share are creating undue harm on communities that
2 are stepping up. Neighborhoods that say yes to
3 solutions, by building housing and shelters,
4 neighborhoods that have said yes to helping their fellow
5 Angelenos, now have an undue concentration of RVs and
6 encampments taking over their streets. Yet, when these
7 communities say enough is enough, when these communities
8 question why other parts of town don't do their fair
9 share, they are often shamed, Judge Carter. They are
10 often shamed for not being compassionate enough.

11 And let's just state the obvious. Over
12 the years, it's been black and brown working class --
13 the working poor communities who have always said yes,
14 while more affluent communities have had enough money,
15 power and influence to say no, not in my neighborhoods.
16 And that has to change. I have grown frustrated because
17 the compassion shown by so many hardworking communities
18 is being taken for granted, and is being taken advantage
19 of, NIMBYs and naysayers who wash their hands of this
20 societal crisis, and that's simply not fair. It is not
21 fair to do the right thing and still be punished. It's
22 not fair to do the right thing and then told that it's
23 not enough because other communities are not doing their
24 fair share. And instead, they need your neighborhoods
25 to carry the load for the rest of the city.

1 It is important for me and my colleague,
2 Joe Buscaino, to be here today as the leadership of the
3 city council. While the issue of homelessness can be
4 overwhelming, and the city clearly needs to do a lot
5 more, the Los Angeles city council has implemented and
6 created an infrastructure to finally begin to address
7 homelessness and create a more than \$1 billion
8 supportive housing bond, which the voters approved in
9 2016. We are all at a critical moment, to implement
10 long overdue actions to provide true resources for
11 homeless individuals, providing housing and also uphold
12 the collective obligation to maintain our public right
13 of ways and restore order in our neighborhoods. It is
14 time to ensure that everyone accepts responsibility that
15 we all share.

16 But I'm not here to tell you, Judge
17 Carter, that we can't figure it out. Instead, I'm here
18 to tell you that the city of Los Angeles and the L.A.
19 city council look forward to engaging in a genuine
20 discussion with the parties here today, and to use a
21 council by council framework, a framework that allows
22 each council member to utilize its skills, relationships
23 and community influence to successfully move this policy
24 forward. And we look forward to a discussion that can
25 finally provide clear expectations, standards, and

1 commitments to make an impact for the most vulnerable
2 people in our city. We look forward to discussions
3 where we uphold principles of fairness and equity.
4 We're here, and we also look forward to ensure that we
5 don't overlook history and promises already made, and
6 kept in poor communities, and where a new solution will
7 ensure that all communities will contribute. Where we
8 can finally change that false and extremely insulting
9 narrative that solutions to homelessness can only exist
10 in poor and disadvantaged communities. This is an
11 affront to our unhoused neighbors as well as to black
12 and brown communities throughout the city of Los
13 Angeles.

14 We are ready to say goodbye to that false
15 narrative, and we are ready to get to work. The City of
16 Los Angeles has submitted our settlement positions that
17 will uphold many critical principles and create
18 solutions that would be implemented and upheld. Judge
19 Carter, we appreciate this gift that you have given us
20 today. We understand that there is a very small window
21 of opportunity, and we need to ensure that we take
22 advantage of that, so we can actually begin a fair and
23 equitable dialogue. Thank you.

24 THE COURT: Thank you. I'm humbled --

25 MS. NURY MARTINEZ: Oh, can you give me

1 the --

2 THE COURT: Michele.

3 MS. NURY MARTINEZ: Michele.

4 MS. MICHELE MARTINEZ: Oh, yes.

5 THE COURT: Stay right there for a
6 moment.

7 MS. NURY MARTINEZ: Okay.

8 THE COURT: Don't worry. I'm -- at 76,
9 I'm immune.

10 MS. NURY MARTINEZ: Oh, no, no.

11 THE COURT: Okay. Now, that's the
12 strongest statement you're going to hear from any
13 council in America. That's an absolute commitment to
14 negotiate in good faith, to not to table or waive or
15 give up a decision. And do not expect the council to be
16 together on many of these issues. There are 15 people
17 with distinctly different districts. That's a direction
18 to move forward. So therefore, they indeed may write
19 the history of this city and this county.

20 Kathryn has been here on every occasion.
21 Do I have that absolute same commitment in terms of
22 willingness, or is this problem just too big for the
23 county and we shouldn't be wasting our time?

24 MR. YOUNG: You have the County's
25 commitment.

1 THE COURT: Absolute. Right? And I --
2 therefore, I know that Judge Birotte can pick up the
3 phone this evening and that if we start talking about
4 enforcement today, or if we start talking about
5 inflammatory words, numbers, that she will be able to
6 have a discussion with us this evening about that. Is
7 that correct?

8 MR. YOUNG: That is correct.

9 THE COURT: Okay. I'm going to put you
10 to that test. I'm not going to call her tonight. Judge
11 Birotte, we're not going to call her today, are we?

12 JUDGE BIROTTE: No.

13 THE COURT: No. Probably not tonight.
14 We might tomorrow morning at 2:00 in the morning. I'm
15 just kidding now. But I expect that, and I'm going to
16 hit the roof, which means to be very frustrated, unless
17 I have got the decision of these people in this room
18 without having to make a phone call back, or so
19 knowledgeable that we can ask them to come before us in
20 federal court, when we go, but -- and they're at that
21 table accepting or not accepting these proposals. Fair
22 enough?

23 MR. YOUNG: That's fair.

24 THE COURT: Okay. Now, I'm going to come
25 to the advocates in just a moment. I want to speak to

1 Caltrans. And Nury and Joe, I'm going to ask if you'd
2 remain for -- just for a moment. And I want to show you
3 something that's of concern to me, and I don't have the
4 answer. So, I was -- had Judge Smith contact a
5 wonderful gentleman. Sir, just state your name for
6 everybody.

7 MR. NEWMAN: Yes. Jeff Newman.

8 THE COURT: Jeff. Okay. We didn't know
9 where to go, so we questioned the head of Division 7,
10 and he was kind enough to give us the name of a very
11 knowledgeable person. These discussions that we've had
12 about 16th and Maple in Los Angeles are baby steps.
13 They were educational steps. And what you don't
14 understand is that there are going to be some very bold
15 steps taken. Maybe incremental, but much bolder than a
16 few piece of property, to make any headway.

17 And I'm going to show you for a moment
18 16th and Maple. So, if you would be so kind. We've got
19 a commitment on this piece of property, from both
20 parties, that the frontage is -- well, you can see the
21 frontage. It's about two acres. And this was a
22 Caltrans piece of property, that the governor was kind
23 enough to pledge to the city, as we understand it. And
24 there was an agreement between the parties, in good
25 faith in this room. One of the documents arrived

1 literally while we were in session. It was a surprise
2 to all parties. And by 4:00, we were somewhat baffled
3 about a need for some kind of environmental or hazardous
4 report. So, if you'd show the next slide for a moment.

5 This piece of property runs underneath
6 the 10 freeway. This is 16th Street. This is the 10
7 freeway. And this is going to be a good example of many
8 of the pieces of property that we're going to deal with,
9 and the complexity. When I say a mess, the better word
10 is complexity of the interaction between different
11 agencies. And Caltrans and the City are just one that
12 I'd like to focus on on this piece of property.

13 Through Mr. Marcus's smart efforts -- and
14 thank you, publicly -- this report came to us in a
15 record period of time. But, I'm not going to go through
16 300 pieces of property piece by piece. Can -- just stop
17 at one point, to -- can people -- if this was a Caltrans
18 piece of property, can people live underneath that
19 freeway?

20 MR. NEWMAN: There are currently people
21 who are unsheltered --

22 THE COURT: I'm sorry. Can they?

23 MR. NEWMAN: Can they live underneath
24 there?

25 THE COURT: Can they underneath the 10

1 freeway?

2 MR. NEWMAN: So, the restriction as to
3 where it is that people are allowed to reside --

4 THE COURT: I'm going to give you a glove
5 to wear. Here.

6 MS. MICHELE MARTINEZ: Here. Just turn
7 that off, David, and I'll give him this one. Just turn
8 yours off, and then when he's finished speaking --

9 THE COURT: Okay.

10 MS. MICHELE MARTINEZ: -- turn it on.

11 THE COURT: Yeah, I want to hear your
12 answers.

13 MS. MICHELE MARTINEZ: Well, turn yours
14 off.

15 MR. NEWMAN: Uh-huh.

16 MS. MICHELE MARTINEZ: Turn it off.

17 MR. NEWMAN: Okay.

18 MS. MICHELE MARTINEZ: And then --

19 THE COURT: So, the first question I'm
20 asking him is can people live underneath the freeway.

21 MR. NEWMAN: Okay.

22 MS. MICHELE MARTINEZ: He'll just turn it
23 off.

24 MR. NEWMAN: Yes, sure. Are you --
25 Judge, I'm sorry. Are you asking me if people can

1 legally live underneath our freeway? No, they can't
2 live legally underneath the freeway.

3 THE COURT: They cannot.

4 MR. NEWMAN: No, those people living
5 there -- squatting there are currently a camp.

6 THE COURT: So, the answer is no.

7 MR. NEWMAN: Yes. It is.

8 THE COURT: Okay. Can a -- now, this is
9 a silly question. If I have a recreational vehicle or a
10 car or a van, and I'm in that car or van, could I live
11 underneath the 10 freeway?

12 MR. NEWMAN: We -- no, you cannot live
13 underneath the freeway in a car or a van either.

14 THE COURT: Okay. And so, when you, and
15 the state, give this property or make it available to
16 the city, then do you believe before I ask the city
17 would they have the same restrictions, that people
18 cannot live in a van, car, recreational vehicle, or a
19 pop-up pallet home underneath this freeway?

20 MR. NEWMAN: Well, they don't have
21 jurisdiction underneath the freeway, with all due
22 respect.

23 THE COURT: Okay. Now, how far back from
24 this freeway could people live? What's my width?

25 MR. NEWMAN: They're able to live 20 feet

1 away from the edge of the freeway.

2 THE COURT: Okay. So, if I walk 20 feet
3 they can live here and here.

4 MR. NEWMAN: That's correct.

5 THE COURT: So, it takes a two acre piece
6 of property and probably cuts it, if we had recreational
7 vehicles, to three-quarters of an inch. Right?

8 MR. NEWMAN: That would be --

9 THE COURT: I mean, three-quarters of an
10 acre.

11 MR. NEWMAN: Yes. That would be correct.

12 THE COURT: Now, who has jurisdiction
13 over this piece of property? First of all, if it was
14 Caltrans property who cleans it?

15 MR. NEWMAN: Okay. Caltrans has
16 jurisdiction over the property, unless it's -- well, we
17 have jurisdiction over the property. That property had
18 been leased, under an --

19 THE COURT: Now, hold up. This is really
20 simple, because I'm simple. If Caltrans has not given
21 this to the city, and it's Caltrans property, are you
22 responsible for cleaning that property?

23 MR. NEWMAN: If there's no existing
24 lease, then that's correct.

25 THE COURT: I'm not asking you yet -- I'm

1 really a simple person.

2 MR. NEWMAN: Yes. That's correct.

3 THE COURT: Yes.

4 MR. NEWMAN: Yes.

5 THE COURT: The answer is yes. Okay.

6 MR. NEWMAN: If there had been a lease,
7 then --

8 THE COURT: See, I'm -- that's very
9 simple. Yes.

10 MR. NEWMAN: Right.

11 THE COURT: Who has jurisdiction over
12 removing people underneath this piece of property if
13 they're not supposed to be --

14 MR. NEWMAN: Caltrans has jurisdiction --

15 THE COURT: Okay.

16 MR. NEWMAN: -- with regards to that.

17 THE COURT: Have you been doing that
18 since the 2005 agreement that you entered into with the
19 city? And we'll put up the 2005 agreement if you're not
20 aware of it.

21 MR. NEWMAN: I don't know the complete
22 history of that property with regards to -- yes, it
23 would be our procedure to serve notice at several
24 different boundaries, and then work with agencies to
25 help to --

1 THE COURT: Are people living underneath
2 the freeway now?

3 MR. NEWMAN: They are in fact.

4 THE COURT: Why?

5 MR. NEWMAN: Because at this point in
6 time, we are not able to move them until such time as
7 they find shelter, because of Covid. One of the things
8 that we're doing, if I might, is to work through the
9 city --

10 THE COURT: I accept that.

11 MR. NEWMAN: -- to actually have that
12 occur.

13 THE COURT: I accept that. I want to
14 thank you that. Now, explain to me before March 13th,
15 to 2005, if people lived underneath that freeway at some
16 period of time.

17 MR. NEWMAN: They did.

18 THE COURT: Before Covid.

19 MR. NEWMAN: Yes. And they would be
20 served settlements and processors --

21 THE COURT: And why were they allowed to
22 live underneath that freeway?

23 MR. NEWMAN: They weren't allowed.

24 THE COURT: They weren't there?

25 MR. NEWMAN: I'm sorry?

1 THE COURT: They weren't there?

2 MR. NEWMAN: I didn't say that. I said
3 they weren't allowed. The fact --

4 THE COURT: Okay.

5 MR. NEWMAN: -- that there's encampments
6 there is not --

7 THE COURT: There's a big difference not
8 being allowed --

9 MR. NEWMAN: Yeah.

10 THE COURT: -- and then being there.

11 MR. NEWMAN: Yes, sir.

12 THE COURT: And if they were there, they
13 shouldn't' be there.

14 MR. NEWMAN: Yes.

15 THE COURT: Okay. If I drive in the I-10
16 freeway, let's say in January, and I could put some film
17 up for you, and I see encampments over the freeway
18 overpasses -- all the way up the I-10, let's say from
19 the 405 to downtown Los Angeles, are people allowed to
20 be on those?

21 MR. NEWMAN: No, sir. They're not
22 allowed to be on there. And if I might, what happens is
23 they are removed and then they relocate.

24 THE COURT: So, is Caltrans responsible
25 for both the maintenance and the jurisdiction of those

1 people living underneath the freeway or in the freeway
2 underpass?

3 MR. NEWMAN: Yes. We're responsible for
4 our vantage way. And to -- we have a policy with regard
5 to removal of illegal -- what we were calling at the
6 time illegal encampments. But, we're also pivoting
7 towards looking at this differently, so that it's
8 sheltering of people who are homeless and find
9 themselves in camps -- find available space to --

10 THE COURT: Okay.

11 MR. NEWMAN: -- be able to --

12 THE COURT: Fair enough. When you make
13 this property available to the city, and it passes to
14 the city of Los Angeles, we had a requirement, Marcus,
15 of a report -- help me with the name of it.

16 MR. MARCUS: The environmental report?

17 THE COURT: Yeah. But the agency that we
18 went --

19 MR. MARCUS: Oh --

20 MR. YOUNG: DTSC.

21 MR. MARCUS: -- the Department of Toxic
22 Substances Control.

23 THE COURT: Yeah. And I want to
24 compliment --

25 MR. YOUNG: DTSC.

1 THE COURT: Yeah. I want to compliment
2 you. That was done in a very quick period of time.
3 Thank you.

4 MR. NEWMAN: Sure. If I might, so, the
5 current proposal from the city is to lease the property.
6 It's not a transfer of ownership. It's a lease, under
7 the executive order, which I'm sure you're aware of. If
8 not, I can deploy it today.

9 THE COURT: Okay.

10 MR. NEWMAN: Is now for the use of the
11 site for RVs. The use of the site for RVs, as opposed
12 to the pallet shelters, actually changes the condition
13 of DTSC's interest. They're no longer standing in the
14 way, just to speak frankly, of -- there's no requirement
15 that they have on this, and they no longer were --

16 THE COURT: I didn't hear. Michele --

17 MS. MICHELE MARTINEZ: He said they can't
18 do pallet shelters.

19 MR. NEWMAN: So, in plain language, there
20 was one site plan has been replaced by another under the
21 city's initiative, Your Honor.

22 THE COURT: So, we certainly can't put
23 pallet shelters under here.

24 MR. NEWMAN: Right. And that particular
25 site, to pallet shelters there, it would require a

1 different environmental -- these are categorized for
2 RVs. And that's what the city's proposal is.

3 THE COURT: To put pallet shelters
4 underneath the 10 freeway?

5 MR. NEWMAN: No. I'm saying -- no, you
6 can't put RVs or pallet shelters under the freeway.
7 It's in that area that we spoke of earlier. It's --
8 they don't --

9 THE COURT: So, are you -- I don't know
10 if you have the authority, and if not you don't have to
11 answer this question. But I do need somebody today or
12 tomorrow or however long we're in session, next week.
13 Are you willing to work in partnership with the city and
14 the county to help shelter --

15 MR. NEWMAN: Yes. We're in the process
16 of doing that currently. We're -- we received a
17 proposed use from the city. We're in the process of
18 negotiating a lease with them for the use of the
19 property to house RVs in the available space area.

20 MS. MICHELE MARTINEZ: Beyond
21 maintenance.

22 THE COURT: Huh?

23 MS. MICHELE MARTINEZ: Beyond
24 maintenance.

25 THE COURT: And this, remember, is what I

1 call a baby step.

2 MR. NEWMAN: Yes, Judge.

3 THE COURT: It's a learning step for the
4 Court. In and of itself, this is so small and so
5 inconsequential for the boldness that's going to be
6 needed by all of you. And so, I'm going to say to you
7 how many pieces of this donated property or available
8 property that you've made available through Caltrans and
9 the governor to the city have these kinds of conditions
10 where we might think initially we had two acres and then
11 frankly, through our naiveness and not having your
12 expertise, we find out that we might have three-quarters
13 of an acre?

14 MR. NEWMAN: Well, currently, I have this
15 for you, if you'd like, of what available property we
16 have in the city and the county.

17 THE COURT: Okay.

18 MR. NEWMAN: And there are also
19 properties that are -- have been partially -- that are
20 already utilized pre-Covid.

21 THE COURT: Great.

22 MR. NEWMAN: So, one of those is at
23 Beacon Street in the San Pedro area, and Councilmember
24 Buscaino and I were both there, just the beginning of
25 that.

1 THE COURT: Are those pieces of property,
2 let's say, equitably distributed through the 15 council
3 districts, so that one district that might be, let's
4 say, a little -- let's say not as -- I'll pick that
5 carefully -- that one district doesn't feel that they
6 are absorbing the brunt of either recreational parking
7 or of tents. In other words, is this a somewhat
8 equitable distribution throughout the city?

9 MR. NEWMAN: This is -- when you use the
10 term equitable, this is a consequence of where park and
11 rides took place.

12 THE COURT: Well, answer my question.
13 Answer my question.

14 MR. NEWMAN: Yes.

15 THE COURT: My question is --

16 MR. NEWMAN: I'm not --

17 THE COURT: -- is this an equitable
18 distribution throughout the city.

19 MR. NEWMAN: Sure. They're not
20 distributed to all 15, no.

21 THE COURT: Are they primarily located in
22 what I would call disadvantaged areas of the city?

23 MR. NEWMAN: Let's see. I would say yes.

24 THE COURT: Yes. They are, aren't they?

25 MR. NEWMAN: Yes. The park and rides

1 along the freeway, yeah.

2 THE COURT: Why?

3 MR. NEWMAN: Because of -- why are park
4 and rides -- these parking lots happen to be near the
5 freeway, which is their function.

6 THE COURT: One of the compliments --

7 MR. NEWMAN: And also --

8 THE COURT: -- one of the compliments I
9 have for this city, amongst many, and the mayor is that
10 the first place I went to visit council people were what
11 I would believe would be less well-off districts. And
12 what I found and would pass back to the mayor is that it
13 was a very equitable distribution. In other words, when
14 you were starting your efforts I was concerned if there
15 was disparity. Frankly, in this humble survey I didn't
16 see any of that. It was a very good effort, to equally
17 distribute fairly.

18 So, these weren't initially recreational
19 centers being stood up, et cetera, but there was also
20 the greatest need in some areas. Some areas had a
21 greater need. But they were being supplied with nurses,
22 staff, just as fast if not faster than what I would say
23 would be other areas. But I understood that -- I
24 thought that there might be a disparity problem. I
25 didn't see that. I saw areas of greater need being

1 stood up first.

2 MR. NEWMAN: Just, I'm sorry. If I
3 might, I misspoke slightly. The park and rides are next
4 to transit. That's park and ride. So, you know, that's
5 where the location was.

6 THE COURT: Okay. Michele, I want you to
7 ask him this question.

8 MS. MICHELE MARTINEZ: Thank you, sir.
9 We have a question. What is the average time frame for
10 a lease to be signed with the city? Typically what
11 we've heard, it's about six months, and an additional
12 six months for state and fire marshals to sign off. So,
13 it's almost a year. And as we're trying to move with
14 settlements and trying to get some of these properties
15 to house folks, we want to know if the state and
16 Caltrans is going to be flexible to remove this red
17 tape.

18 MR. NEWMAN: The short answer is yes.

19 MS. MICHELE MARTINEZ: So, yes.

20 MR. NEWMAN: The --

21 THE COURT: And who would be that person
22 who we would have that pledge from, who has that power
23 to remove the red tape so we're -- I'm just not dealing
24 with a bureaucratic entity, whether it's the city or
25 Caltrans? Give me the name of the person I would call.

1 MR. NEWMAN: Well, what I was going to
2 say --

3 THE COURT: I'm sorry. Give me the name
4 of the person I would call.

5 MS. MICHELE MARTINEZ: Let him speak.

6 THE COURT: No, he's not -- he's dodging
7 the question. Answer it.

8 MR. NEWMAN: No, actually, I'm not, sir.
9 There's an FHWA approval that has to take place, because
10 of its location. And so I'm not -- if you want a
11 responsible party --

12 THE COURT: Yeah.

13 MR. NEWMAN: -- as far as that goes, I --
14 can I --

15 THE COURT: Assume I want somebody in
16 federal court on June 4th.

17 MR. NEWMAN: In our district, you should
18 call our district director, who is John Bulinski [ph].

19 THE COURT: And that's who I called.

20 MR. NEWMAN: Yes.

21 THE COURT: And you were polite enough to
22 come in his place.

23 MR. NEWMAN: Yes. Since I'm --

24 THE COURT: I want to thank you. Thank
25 you.

1 MR. NEWMAN: Yes.

2 THE COURT: Okay. I may have a
3 misimpression, but in most of the council people I talk
4 to the relationship has not been described in a good way
5 between Caltrans and the city. And if you would like
6 some names, I would be happy to give you those council
7 people and ask them to come in. And what I got
8 disturbed about was the inability to understand the
9 interaction going on between the city and Caltrans,
10 because if this wasn't the freeway -- and I'll just take
11 Monica Rodriguez's district for a moment. A huge
12 encampment underneath what we believe is a city street,
13 but we're being told is both Caltrans and city, and
14 quite frankly nobody knows.

15 MR. NEWMAN: Are you talking about the
16 Pasadena --

17 THE COURT: I am.

18 MR. NEWMAN: And --

19 THE COURT: And that rabbit run.

20 MR. NEWMAN: Yes. I understand.

21 THE COURT: Which is Caltrans property
22 that you recently fenced, and thank you. I'm talking
23 about the rabbit run and I'm talking about that piece of
24 property underneath the highway.

25 MR. NEWMAN: Yes, sir. We have revisited

1 that with the city and with the council member's office,
2 and the property underneath the freeway is, in fact,
3 ours. However, there is a maintenance agreement with
4 the city that allows them to more expeditiously -- both
5 to clean up and refer to folks underneath the freeway,
6 so that they can find shelter.

7 THE COURT: Now, all of you should know
8 that that's been a very good success story. Where it
9 started months ago, it was not. And there was
10 cooperation. But watching that unwind and hearing the
11 stories of how long that took is why we're asking the
12 question about how -- why it took so long.

13 MR. NEWMAN: I certainly appreciate that,
14 sir.

15 THE COURT: Okay. So, that's a
16 compliment to you.

17 MR. NEWMAN: Yes, sir.

18 THE COURT: You got it done.

19 MR. NEWMAN: Yes, I know.

20 THE COURT: Okay. Should people have
21 been living underneath --

22 MR. NEWMAN: I'm sorry. Yes.

23 THE COURT: Should people have been
24 living underneath that overpass?

25 MR. NEWMAN: No, people shouldn't be

1 unsheltered in this state or in this city or in the
2 county. No, of course not.

3 THE COURT: Then my last question is who
4 is responsible for the maintenance of that or the
5 cleaning of that? Whether they picked up the tents for
6 a couple hours and put them back, so at least it was
7 clean, or they got toilets out there that they could
8 use, whose responsibility was that?

9 MR. NEWMAN: They -- in regard to that
10 area?

11 THE COURT: Yes.

12 MR. NEWMAN: It was --

13 THE COURT: Yes.

14 MR. NEWMAN: -- it was considerable
15 confusion, which we've straightened out. And underneath
16 that freeway --

17 THE COURT: I, I --

18 MR. NEWMAN: -- is a --

19 THE COURT: I know you have. You have a
20 compliment from me.

21 MR. NEWMAN: I'm sorry?

22 THE COURT: You have a compliment. You
23 did a great job.

24 MR. NEWMAN: Thank you.

25 THE COURT: Now, I'm going to go back to

1 when we weren't doing a great job.

2 MR. NEWMAN: Okay.

3 THE COURT: Because there was
4 considerable confusion.

5 MR. NEWMAN: Right

6 THE COURT: And I'm not going to stand
7 for the inertia -- not from you, but from the city or
8 you --

9 MR. NEWMAN: Understood.

10 THE COURT: -- of waiting for each piece
11 of property with that kind of inertia, as we try to
12 clean up the city.

13 MR. NEWMAN: I understand.

14 THE COURT: Okay. How are we going to
15 get that moving quickly, and not in six months?

16 MR. NEWMAN: Yes. The city's decision on
17 how they want to utilize park and rides for shelter
18 would be something we'd welcome.

19 MS. MICHELE MARTINEZ: Fantastic.

20 THE COURT: Good.

21 MR. NEWMAN: And so that would be --

22 THE COURT: Good. Okay. Now, hold on.

23 MR. NEWMAN: Yes.

24 THE COURT: I humbly want to thank you,
25 profusely, because I expected to have the director here

1 and he sent you here. And you've answered my questions.
2 So although I can be a little rough on occasion, you
3 have my appreciation.

4 MR. NEWMAN: That's okay, sir.

5 THE COURT: I don't care if it's a good
6 or bad answer, I just want answers.

7 MR. NEWMAN: I appreciate that.

8 THE COURT: Okay. Joe, do you have
9 anything?

10 MS. MICHELE MARTINEZ: Please turn that
11 off.

12 THE COURT: Because I'm going to keep
13 that pledge, and you're not leaving today. Because
14 we're going to get that list from you. And we're going
15 to see if it's one or two pieces of property, or
16 multiple pieces of property. Okay.

17 COUNCILMAN BUSCAINO: I was -- if it
18 pleases the Court, Your Honor, I think in light of the
19 Caltrans issue, it's important for the Court to hear the
20 frustration that we've had as a city council. In my
21 specific case, we proposed a government site -- Caltrans
22 site in San Pedro, on the 500 block north of Beacon,
23 and, sir, you ought to know the bureaucracy, the red
24 tape. We were -- I was really anxious to get A Bridge
25 Home site up. 100 beds, move 100 souls from sidewalks,

1 encampments, and into A Bridge Home. The entire
2 process, Your Honor, you should know -- finalizing at
3 least -- took me at least 16 months.

4 Now, those are the frustrations that I
5 have. And I got to the point where I called on the
6 state governor last year to call in a statewide state of
7 emergency. And it's taken Covid-19 to move quickly and
8 your direction to move quickly, and work with our
9 partners. So, it's important to know that. It also
10 took legislative action from Assembly Member Gipson to
11 move on an Assembly bill to allow us to lease Caltrans
12 at \$1 a year, so we can move on solutions.

13 But the -- you're right, sir. The
14 bureaucracy, red tape, we -- there's a will here, in
15 this council, to move forward on the solutions. But,
16 the red tape needs to get out of the way.

17 THE COURT: I want to work with you in
18 some way to get this down to a minimal amount of time.
19 And that's not six months. And therefore, I need your
20 help.

21 MR. NEWMAN: Okay.

22 THE COURT: Because what you just heard,
23 and I didn't know that Joe was going to speak, I must
24 have heard from 9 council people out of the 15 who
25 raised this gratuitously, with their issues between

1 Caltrans and the bureaucracy. The second thing I've
2 heard repeatedly is this, from the advocates, starting
3 three years ago. Our clients are dying 20 years earlier
4 than the average citizen. I don't know, frankly, if
5 that's from hypothermia or tuberculosis or living a hard
6 life. I don't know why that is. But, I can guarantee
7 you if I got experts in from UCL or UCLA, it doesn't
8 take a weatherman very long to know which way the wind
9 is blowing out here. That is not acceptable 2005, to
10 before the pandemic, and I don't care what you say,
11 people were living underneath our freeways and were
12 living over our overpasses, and a pandemic isn't an
13 excuse for shortening life expectancy.

14 MR. NEWMAN: Agreed.

15 THE COURT: And therefore, when I talk to
16 the council people, they point to you in Caltrans as
17 being in charge -- not you personally, sir, but you
18 being in charge of the maintenance and the safety, and,
19 quite frankly, ignoring it.

20 MR. NEWMAN: I --

21 THE COURT: And then, if I'm a federal
22 court and I know that -- and I ask the advocates this
23 yesterday. If a federal court knows that life
24 expectancy is being shortened, because of people living
25 underneath an overpass or above -- I'm sorry, an

1 overpass or an underpass, what does the federal court do
2 about that? Ignore it, and just say that this is fine,
3 that this is healthy? You answer it for me.

4 MR. NEWMAN: You want me to answer it?

5 THE COURT: Yeah. I want you to answer
6 it. What does a federal court do?

7 MS. MICHELE MARTINEZ: Turn it on.

8 MR. NEWMAN: I'm not one to tell a
9 federal court what --

10 THE COURT: Yeah. I want you to tell me
11 what to do. Let them stay there?

12 MR. NEWMAN: Okay. So, given that the
13 108,000 homeless under the last census, which we still
14 don't know what the count is for this census, and
15 certainly Covid is going to have a play into all of
16 this, the question of how to better integrate the
17 service provision through the COCs, the city, the
18 county, Caltrans, all of this needs to be, as you're
19 doing, wrapped up much tighter so that it's not just
20 having people being chased around --

21 THE COURT: Excellent.

22 MR. NEWMAN: -- and so forth. So, that
23 would be an approach that I would --

24 THE COURT: How do we accomplish that?

25 MR. NEWMAN: A lot of dialogue and direct

1 contact, and also shortening up the loops between where
2 people are currently and where they can be housed.
3 However, you have the --

4 THE COURT: And we would care if people
5 aren't supposed to be there.

6 MR. NEWMAN: Well, we --

7 THE COURT: That we do something humane
8 if we're asking them to move from these locations --
9 wouldn't we want to be humane and say, look, in some way
10 we're trying to better your life a little bit, because
11 they're clustering under here for two reasons.

12 MR. NEWMAN: May I speak?

13 THE COURT: Heat.

14 MR. NEWMAN: Yes.

15 MS. MICHELE MARTINEZ: Turn it off.

16 THE COURT: They're afraid of the heat.
17 And they cluster because of the rain.

18 MR. NEWMAN: Yes. Can I speak frankly?

19 MS. MICHELE MARTINEZ: You've got to turn
20 it off.

21 THE COURT: Yeah, go ahead.

22 MS. MICHELE MARTINEZ: Turn it off. Turn
23 it off.

24 THE COURT: Give it to him.

25 MR. NEWMAN: Because, you know, it's one

1 thing to recognize that they shouldn't be there. It's
2 another thing to -- I'm just saying, it's one thing to
3 recognize that they shouldn't be there. It's another
4 thing to have no other place for them to go.

5 THE COURT: Okay.

6 MR. NEWMAN: So, I agree with everything
7 that you predicated, of course --

8 THE COURT: And do you have Caltrans
9 property that they could go to within a short distance
10 of some of these encampments?

11 MR. NEWMAN: I have, like I say, what we
12 have available currently. And so --

13 THE COURT: It looks like a pretty small
14 sheet of paper.

15 MR. NEWMAN: That's exactly right, sir.

16 THE COURT: How many pieces of property?

17 MR. NEWMAN: Three, six -- potentially,
18 and we'd have to look at some of these on a specific
19 basis -- well, it's less than 20. That's what we have
20 right now. I wish there were more.

21 THE COURT: For the steps that the
22 federal court would contemplate, that's just baby
23 walking.

24 MR. NEWMAN: Yes. That's correct, sir.

25 THE COURT: That's a baby step.

1 MR. NEWMAN: That's correct.

2 THE COURT: Well, I would think that we
3 would like to work together with two goals. One,
4 getting people out of a hazardous condition where we're
5 literally, for want of a better word, poisoning them
6 with fumes, because you've told me that they can't live
7 underneath a freeway. And treating them humanely and
8 getting them, at least, to a better location. And I
9 would think that we would want to do that quickly, since
10 I know we haven't done that since 2005.

11 MR. NEWMAN: Yes.

12 THE COURT: Okay. Fair enough?

13 MR. NEWMAN: Yes.

14 THE COURT: Who accomplishes that --
15 again, what's my process and procedure, other than
16 another committee and --

17 MR. NEWMAN: Direct --

18 THE COURT: -- me waiting for six months?

19 MR. NEWMAN: -- direct engagement with
20 the jurisdiction and --

21 THE COURT: Okay. Could the director
22 come down here today? Would he mind? Is he the
23 decision maker, so he can make this pledge that he will
24 work with us, and you're not on the spot? Because I --
25 once again, for the record, you have my absolute

1 compliment.

2 MR. NEWMAN: Well, I'm actually also the
3 coordinator for the district in regard to the homeless
4 executive --

5 THE COURT: That you can make that
6 commitment?

7 MR. NEWMAN: Yeah.

8 THE COURT: Excellent. Excellent. Okay.
9 Any questions from first -- from Alliance? Any
10 questions from the advocates? Any questions from the
11 city? Marcus? County?

12 MR. YOUNG: None.

13 THE COURT: Okay. I think our pledge
14 should be in a very short period of time, much quicker
15 than you think, that we should have the goal of these
16 folks not living underneath a freeway or an overpass if
17 it's harmful. And if any of you think it's not harmful,
18 let's get some witnesses in here for a better record
19 because I don't think that's going to be very hard to
20 accomplish. So, Shayla, is this harmful?

21 MS. MYERS: Your Honor, I mean, I think
22 it gets to the representative from Caltrans' point, as
23 to which is more harmful and which -- where do these
24 individuals have to go. And they have to be given some
25 agency in that process. We can't simply sit here in

1 federal court and decide to close down spots on the
2 assumption that that place is more dangerous than other
3 locations.

4 THE COURT: Carol?

5 MS. SOBEL: I agree with what Shayla has
6 said. We -- I don't think this is Caltrans' fault, and
7 I think that what I took away is that really this is
8 this -- the municipal governments, the local governments
9 stepping up to find places where people want to be and
10 can be. And so -- and certainly, you know, we have
11 objected to having people under the freeway --

12 THE COURT: Sure.

13 MS. SOBEL: -- next to the freeway. But,
14 the important point is we don't have anywhere because no
15 one has stepped up. And so, it's not -- with all due
16 respect to Mr. Newman, you know, it's not his problem.
17 I don't mean it's not his problem. It's not his fault.

18 THE COURT: No, it's not.

19 MS. SOBEL: You know. And so, I think
20 that, you know, if there's a community of people, they
21 ought to talk to them. They will -- they want to be
22 someplace where it's safe, I'm sure. But there is no
23 alternative that's being offered to them at this point.

24 THE COURT: Agreed. Okay. For the city?
25 Christina?

1 MS. MILLER: The city stands ready to
2 offer an alternative, if we want to -- if all partners
3 want to come together to work on that.

4 THE COURT: LAHSA?

5 MS. MARSTON: Agree.

6 THE COURT: County?

7 MR. McLAIN: Agree.

8 THE COURT: How long do we wait to
9 resolve this problem? How long does the federal court
10 wait now, knowing that this is hazardous but taking into
11 account, you know, where do these people go? How long
12 do I wait?

13 MS. SOBEL: I don't think the Court
14 waits, but I also do think that the alternative has to
15 be the right alternative. And we know from assisting
16 our clients that the city frequently does not have
17 anything but a congregate shelter. And at this point,
18 they are probably safer under the freeway, as dangerous
19 as it is, than being put into a place like Union Rescue
20 Mission, where one in ten people now tested positive --
21 one in five.

22 COUNCILMAN BUSCAINO: They're on a
23 private Caltrans site ready to go, PCH and Figueroa,
24 sir.

25 THE COURT: Okay. Anything else?

1 MS. MICHELE MARTINEZ: So, just for
2 agreement purposes, so, as Covid-19 dissipates and we
3 move towards post Covid-19 and the steps that we take
4 towards this agreement, can we all agree that these are
5 some of the first locations, if we're able to find
6 alternatives -- no?

7 MS. SOBEL: I don't know what that means,
8 first locations.

9 MS. MICHELE MARTINEZ: So, the
10 underpasses and overpasses, the judge has articulated
11 that they're not safe.

12 MS. SOBEL: There are lots of places that
13 aren't safe.

14 MS. MICHELE MARTINEZ: Yes. But as we
15 move forward and we're able to get other alternative
16 sites to place --

17 MS. SOBEL: We could --

18 MS. MICHELE MARTINEZ: -- them in a safe
19 place, would you guys be willing to move --

20 MS. SOBEL: We need a plan. We need a
21 plan.

22 MS. MICHELE MARTINEZ: Correct. And
23 that's --

24 MS. SOBEL: And we're not going to, you
25 know, do it like these 10 people or these 20 people go

1 to PCH and Figueroa, which is how many miles, Joe, from
2 where they are now?

3 COUNCILMAN BUSCAINO: I would say --

4 MS. SOBEL: And what are --

5 COUNCILMAN BUSCAINO: -- Carol, four or
6 five miles --

7 MS. SOBEL: -- your services --

8 COUNCILMAN BUSCAINO: -- -- from our --

9 MS. SOBEL: Yeah. Where are your -- what
10 are your services there? Are there medical doctors, or
11 -- you know, this is crazy. We need a comprehensive
12 plan.

13 MS. MICHELE MARTINEZ: Comprehensive
14 plan. I just said that to him.

15 MS. SOBEL: And I --

16 MS. MICHELE MARTINEZ: We need a
17 comprehensive plan.

18 MS. SOBEL: We're not --

19 MS. MICHELE MARTINEZ: Let's figure this
20 out.

21 THE COURT: Okay.

22 MS. MICHELE MARTINEZ: And to --

23 THE COURT: So, here's what we're going
24 to do.

25 MS. SOBEL: The biggest things we're

1 prioritizing --

2 THE COURT: In 17 years, we'll have
3 another comprehensive plan. I'm just kidding you. No,
4 we won't. So, who is going to form this task force as
5 of today, and be back to the Court by next Wednesday
6 with our comprehensive plan? That's my time schedule
7 now. You see, I can take action that none of you
8 dreamed of. And I want to give you the control
9 initially. I want to give you control initially.

10 UNIDENTIFIED MALE SPEAKER: I see.

11 THE COURT: So, why don't you go talk
12 quietly with the advocate for the city and the council.
13 Because I'm not kidding. You haven't quite dreamed of
14 what I'm prepared to do yet. I want to come up with
15 some methodology, some process and procedure, like Paul
16 Krekorian talked to me about, one of the council people.
17 I agree with that. I want some timelines. I want a
18 task force formed. I want to see that property and get
19 that to you, so we know if it's five miles away. I want
20 to know if we're waiting for 300 pieces of property with
21 these problems, or 20. And I want that back, and I'm
22 going to work this weekend with you. Except for
23 Mother's Day. We'll all sit right here Saturday.

24 So, why don't all of you go have a little
25 conference in the back there, 6 feet away, and tell me

1 how -- no. No, no. That's an order. That's not a
2 request. Get up out of your seats. Go out in the
3 hallway. Go tell me a timeline before I impose one on
4 you.

5 MS. SOBEL: A timeline for what? For
6 that small --

7 THE COURT: A discussion --

8 MS. SOBEL: -- group of people --

9 THE COURT: -- of who is going to form
10 this committee, and how we're going to get the very
11 information you're asking about. How we're going to
12 come up with a comprehensive plan and methodology,
13 Carol, so it just doesn't leave the table and then we
14 come back two months from now still talking about a
15 comprehensive plan.

16 MS. SOBEL: Are we talking about --

17 THE COURT: Just give me a process and
18 procedure to work with.

19 MS. SOBEL: It's extremely hard for me to
20 do that about people that I have not spoken to. I don't
21 know who their medical providers are. I don't know
22 where they get services.

23 UNIDENTIFIED FEMALE SPEAKER: Well, let's
24 figure it out.

25 MS. SOBEL: I'm relatively certain --

1 THE COURT: And you'll --

2 MS. SOBEL: -- not --

3 THE COURT: -- never know unless you give
4 me some timeframes yourself, and some reasons.

5 MS. SOBEL: We're -- I'm -- Your Honor,
6 I'm willing to come here today. I'm here because I
7 thought this was really important. I'm here to talk
8 about comprehensive strategies.

9 THE COURT: Well, we are.

10 MS. SOBEL: And --

11 THE COURT: We are.

12 MS. SOBEL: -- and I would prefer not to
13 focus on one group.

14 MS. MYERS: Your Honor, I think what
15 we're saying a comprehensive strategy -- what we're
16 saying is given the state of housing in Los Angeles,
17 placing these 20 people in housing is just going to
18 supplant 20 other people. Right. Given the stock that
19 we have, we're not adding anything by moving these
20 individuals into housing in front of the line of other
21 people.

22 LAHSA and the city of Los Angeles, they
23 have a mechanism by which they rank and they evaluate
24 who needs housing the most and what fits for them, based
25 on what the needs are. If you want us to pick a group

1 of 20 people today to say these people need to be moved
2 into housing, I mean, that's certainly one strategy.
3 But that is going to take 17 years, I assume.

4 THE COURT: So, what I'm hearing so far
5 is that you're not willing to have that minimal
6 discussion and help me with that very process and
7 procedure that I'm asking for. I'm not asking for a
8 resolution today. I'm asking for a way to get this
9 information to us, so we can make intelligent decisions.
10 And if that's the case, just tell me that and then I'll
11 take it.

12 MS. SOBEL: So, here's the problem for
13 us, Your Honor. Brooke has just offered some
14 clarification from Michele.

15 MS. MICHELE MARTINEZ: Yes. I just --

16 MS. SOBEL: I don't have a clue what the
17 environmental condition is --

18 THE COURT: I don't --

19 MS. SOBEL: -- for any of the properties
20 up there. So, how can I pick a property. I am certain
21 that if we went and offered the people who are living in
22 the tents under the 10 freeway -- if we offered them
23 room from their Project Roomkey, they'd go. I think a
24 lot of people would probably --

25 UNIDENTIFIED FEMALE SPEAKER: That's one

1 option, Carol.

2 THE COURT: That's one option.

3 MS. SOBEL: -- go --

4 THE COURT: And Carol, I agree with you
5 100 percent.

6 MS. SOBEL: But --

7 THE COURT: The Court needs your help and
8 I don't know how I get that other than hearing about a
9 comprehensive plan --

10 MS. SOBEL: So, I think --

11 THE COURT: -- which is just allure and
12 no substance.

13 MS. SOBEL: I did --

14 THE COURT: And in July, we --

15 MS. SOBEL: I did ask for environmental
16 reports on the other properties. I received nothing. I
17 can't make an informed decision.

18 THE COURT: But let me ask. Just why
19 don't you go -- there's always going to be a problem.
20 And the -- what I have seen and hearing constantly is
21 we'll go back and we'll meet again at some point, with
22 what? You've got the process, right, you're starting,
23 you said in the phone call. I'm asking for some time
24 frame from you and asking you to form a process and
25 procedure so Judge Birotte and I can become

1 knowledgeable. And what I'm hearing is all the problems
2 that we've heard for 17 years about why you can't even
3 start. I've been hearing the frustration over a year,
4 about 16 months --

5 MS. SOBEL: So --

6 THE COURT: I mean, I'm not back in what
7 I call the whack a mole.

8 MS. SOBEL: So, I --

9 THE COURT: All the reasons you can't.
10 Start thinking about what you can do and what you --

11 MS. SOBEL: I don't --

12 THE COURT: -- instead of what you can't
13 do.

14 MS. SOBEL: I don't think that's fair.

15 THE COURT: I do.

16 MS. SOBEL: Well, that's fine. But I
17 don't that's --

18 THE COURT: I do.

19 MS. SOBEL: I don't think that's fair,
20 because it is not fair to ask us to decide on a property
21 with Caltrans --

22 MS. MICHELE MARTINEZ: We're not deciding
23 on a property.

24 MS. SOBEL: One of them was toxic.

25 THE COURT: I'm not asking you that. I'm

1 asking you --

2 MS. SOBEL: I think the proposal --

3 THE COURT: I'm asking you a process and
4 procedure. I'm asking you to start laying out a
5 methodology --

6 MS. SOBEL: Get us the --

7 THE COURT: -- about how we come up --

8 MS. SOBEL: Get us the --

9 THE COURT: -- with that comprehensive
10 plan. That's all.

11 MS. SOBEL: Get us the information on the
12 potential sites.

13 THE COURT: I'm asking also for him to
14 start turning over these pieces of property, with no
15 decision on your part. I didn't know if he was going to
16 come with zero pieces of property, 20, or 200.

17 MS. SOBEL: He --

18 THE COURT: And frankly, I'm a little bit
19 disappointed that there's only 20.

20 MS. SOBEL: These are the same ones we've
21 been talking about since the beginning. These are the
22 -- on the list --

23 THE COURT: Okay. So, is your answer no?
24 Is your answer no?

25 MS. SOBEL: My answer is I don't

1 understand what's to be done and how to do it. I'll
2 reach an agreement that says you turn over to us all
3 these properties and tell us what the resources are in
4 the area. We'll talk to the people. We'll see what
5 their needs are. We'll see if their needs -- which one
6 -- which place meets their needs.

7 THE COURT: I think that's all we're
8 asking, is this. If you want me to form the process and
9 procedure without your help, I'll do it. I will just
10 dictate your time frame. I don't want to do that. I
11 want to give that control to you first. Number two, I
12 really don't care about seeing these pieces of property
13 today. I didn't know if I was going to get 300, because
14 that was out on the table as our number before, or just
15 20. He's brought 20 today. I don't care if you get
16 into the individual piece of property today. It's too
17 quick.

18 I'm just asking you -- and I think Paul
19 Krekorian was really helpful to me as a council member,
20 and I want to pay a compliment to him too. Send that
21 back him. He and I are both concerned about the process
22 and procedure, but I'm not even seeing that process and
23 procedure, because there's always another problem. So,
24 if you don't want to participate, Judge Birotte and I
25 will set that out for you. And if you don't want to

1 have a conference, that's fine.

2 MR. UMHOFFER: Your Honor, on behalf of
3 the Alliance, we are ready to participate.

4 THE COURT: Okay. Go take ten minutes.
5 I just want some kind of methodology, some kind of time
6 period where you can get together outside my presence.
7 You can start getting this information, and you can ask
8 those questions. Is this -- Joe, is this five miles
9 away.

10 MS. SOBEL: So --

11 THE COURT: Gosh, that wouldn't be fair.

12 MS. SOBEL: -- we have probably about
13 75,000 people on the streets now.

14 THE COURT: Well, we're going to get to
15 that.

16 MS. SOBEL: We -- are we going to use
17 this kind of process --

18 THE COURT: No.

19 MS. SOBEL: -- for all --

20 THE COURT: No. This is just a small
21 part of what we're doing today. This is a baby step for
22 what we're going to do. So, take ten minutes, okay.
23 You don't have to solve anything. Just give me
24 something that we can work with that's reasonable for
25 all of you, before I impose that on you.

1 COURT REPORTER: This marks the end of
2 media number one. The time is 11:15 a.m. We are off
3 the record.

4 (Off the record.)

5 (End Media 1.)

6 (Begin Media 2.)

7 THE COURT: Come back and have a
8 discussion. I asked you all to come back here for just
9 a moment.

10 MS. MITCHELL: Your Honor, we actually
11 had an agreement. We are heading for -- there was an
12 agreement as to one, an impasse as to one.

13 THE COURT: Oh, sure. Well, first of
14 all, thank you. And I'd like to hear where you're at.
15 And by the way, I don't expect unanimity. This is the
16 beginning of a conversation. So, if somebody can just
17 tell me how you're trying to control this process and
18 where you are, I'd appreciate it.

19 MS. MITCHELL: So, Your Honor, obviously
20 we spent quite a bit of time talking about this issue.

21 THE COURT: Yeah. There we go. It's
22 off.

23 UNIDENTIFIED FEMALE SPEAKER: He had the
24 microphone on.

25 THE COURT: I had the microphone --

1 MS. MITCHELL: I think this is okay. All
2 right. So, as to the Caltrans property, there were
3 about 20 Caltrans locations. Ten of them are in parking
4 lots, and there are another ten Caltrans wasn't sure if
5 people want it. The basic agreement is that the city is
6 going to take a look at those locations, come back to
7 Caltrans within one week with a yes or no about whether
8 they want those locations, and a list of assumptions of
9 what's going to go on those properties. Caltrans will
10 then take two weeks to review those set assumptions with
11 each individual property, and come back with an
12 assessment about whether or not those plans are
13 feasible. There is one location that is on county
14 property, and not the city. The county has agreed to
15 abide by the same timeline.

16 THE COURT: Okay.

17 MS. MITCHELL: There was one property
18 that is within the city of Hawthorne, that we all agreed
19 is not something that we can address today.

20 THE COURT: Okay.

21 MS. MITCHELL: Thereafter, after Caltrans
22 -- after that two week period and Caltrans comes back,
23 determines the feasibility of those plans, the city and
24 county have agreed to submit plans for what will go on
25 that site within two weeks. So, we have one week for

1 the city to get back to Caltrans, two weeks for Caltrans
2 to review, and then another two weeks for those plans to
3 be identified for each site. So -- yes?

4 MR. NEWMAN: Just one slight, one slight
5 clarification on what we're saying. It's not so much
6 the feasibility of it as it is what the environmental
7 constraints would be, and what facilitates that is when
8 the city or the county comes back to us with a yes or
9 no. If there's a yes and there are toxic uses, then we
10 can see what --

11 THE COURT: I'm going to need this part
12 marked.

13 MR. NEWMAN: -- the -- and then that --

14 THE COURT: I'm going to want a
15 transcript of this.

16 MS. MITCHELL: So, that's a total
17 turnaround period of five weeks from today.

18 MS. MICHELE MARTINEZ: So, to be clear,
19 we have one week for city and county to identify -- I
20 think it's ten -- did you guys say ten sites?

21 MS. MITCHELL: There are 18 in the city.

22 MS. MICHELE MARTINEZ: Eighteen.

23 MR. MARCUS: We are going to look -- the
24 city is going to look at all of the sites listed on the
25 Caltrans list. And we will provide a set of assumptions

1 to Caltrans saying here are the assumptions we want you
2 to use as to what we're going to use the property for,
3 for you to assess it by environmental, could you let us
4 know what the constraints are.

5 MS. MICHELE MARTINEZ: And you're going
6 to do that in one week.

7 MR. MARCUS: Correct.

8 MS. MICHELE MARTINEZ: And then two weeks
9 Caltrans needs to assess those properties. And then,
10 after that, the city and county are going to need two
11 weeks based on those identified properties to provide
12 that back to Caltrans, what's feasible on those sites.
13 And a plan.

14 MR. MARCUS: Right. So, once we hear
15 back the constraints from Caltrans, then the city will
16 be able to evaluate the property based on those
17 constraints and all the other factors to determine what
18 the city -- is the best use for that property, and draft
19 up a plan for that use. That can be submitted to the
20 parties.

21 MS. MICHELE MARTINEZ: Okay. Fantastic.

22 THE COURT: Okay. Now, just a moment.
23 Let me understand something.

24 MS. MICHELE MARTINEZ: Turn that off.

25 THE COURT: Well, first of all, thank

1 you. I've heard from Caltrans and from the state that
2 there are, like, 300 pieces of property. You'll hear
3 that in discussions. All I'm trying to find out is what
4 do we actually have out there with reality, that we can
5 start looking at for some use. Have we gone from this
6 popular notion of 300 pieces of Caltrans property down
7 to about 18 or 20? And I have no criticism if so, but I
8 just don't want to have an expectation that there's 300
9 pieces of property that Caltrans has available to us.
10 Because that's thrown at me all the time.

11 MR. NEWMAN: Right. So, the short answer
12 would be yes. That these are the available properties.
13 I'm not sure --

14 THE COURT: Okay. So, I can --

15 MR. NEWMAN: Just let's --

16 THE COURT: Okay.

17 MR. NEWMAN: Yeah.

18 THE COURT: Thank you. So, I'm -- I
19 don't have to worry about 300 pieces of property.

20 MR. NEWMAN: No.

21 THE COURT: I have to worry about 18
22 pieces of property.

23 MR. NEWMAN: Yes.

24 THE COURT: Okay.

25 MS. MITCHELL: Nineteen.

1 THE COURT: That's extraordinarily
2 helpful.

3 MS. MITCHELL: Nineteen. Nineteen pieces
4 of property. Eighteen in the city and one in the
5 county.

6 THE COURT: I'm not -- okay. But
7 regardless, I'm going to cross out 300 pieces that I've
8 heard in speeches and I'm down to 19 pieces of property
9 that we're going to look at.

10 MS. MITCHELL: Yes.

11 THE COURT: Now, let me start -- before
12 you get to any portion you disagree about, I started
13 with a bombshell for you. Hopefully I'm stirring your
14 blood. I started with what I call a location-based
15 approach because in some settlements, and a lot of
16 discussions, it's been location based. Versus let's
17 have safe zones around schools. Let's guard airports or
18 libraries. I call that a location-based approach.
19 That's not a people settlement approach. So, when you
20 start with location-based approach, and the past
21 agreements I've seen sometimes is protecting, like,
22 airports or libraries that I started with three years
23 ago -- schools that I constantly hear about. I call
24 those location-based approaches, and now I'm adding the
25 freeways, recently. It's just a location-based approach

1 that I'm raising with you.

2 Now I want to turn it to what I call a --
3 call it a people-centered approach. Reverse this now,
4 and assume that we weren't talking specifically about
5 locations, as historic, but people. So, let's take the
6 flip side of the coin, and that's a people-based
7 approach. The questions I would be asking you in a
8 comprehensive plan, if we're approaching it in that
9 direction, then what is the criteria or comprehensive
10 plan. For instance, the city made a decision -- it
11 doesn't matter what I think, but it's a great decision
12 -- they -- 65 and over with secondary concerns during
13 this period of time, high death rate potential, let's go
14 get those people into shelter, because of their age and
15 secondary condition. People based. Tough decision. It
16 could be argued that somebody with bipolar or
17 schizophrenia is just as helpless on the street, but for
18 health reasons and to keep the death rate low, a
19 decision.

20 If a comprehensive plan was being brought
21 up, I don't expect you to agree between a location-based
22 approach or a people approach. You're going to be all
23 over the place. But now, let me focus on what would
24 that look like. Would that be -- would the first
25 opportunity of movement in some way, 65 and older again.

1 Would it be people with mental illness, bipolar or
2 schizophrenia. Would we choose physically handicapped,
3 paraplegic or wheelchair-bound. Would we -- and the
4 answer should be, by the way, all of those. The answer
5 should be all of those. But we're going to have to
6 start someplace because you're never going to get the
7 resources on fast enough. So, some tough decisions have
8 to get made about just where we start, or there will be
9 inertia for years. And can you identify those.

10 So, let's say you chose libraries or an
11 airport to protect, supposedly, or a school or a freeway
12 or a park, or a recreation center. If it's a people-
13 based approach, do we have enough information to go
14 through and say this person has severe mental issues,
15 and this person is the person we want to take out of
16 that group and treat first, and leave the rest, who are
17 able-bodied. Or, if you were taking a park, for
18 instance, would you go into a park and say that we can
19 adequately identify a person who is severely
20 handicapped, mentally disabled -- I mean, does LAHSA
21 really have that number, and with a transient
22 population, you know, how many people do we miss, what's
23 our resource expenditure.

24 So, if we're coming up with a
25 comprehensive plan, then I'd also like to see a

1 comprehensive plan concerning how that would work from a
2 -- I'm going to call it a people-centered approach.
3 Give me a better word for it. But when you're dealing
4 with human beings, would that mean that we'd leave 20
5 people in a public park and take 5 of the most severely
6 incapacitated out of that park. Would we take and do
7 the same thing with a recreational center. You see what
8 I mean. And how would we do that with resource
9 expenditure, without having the city and LAHSA just
10 running crazy.

11 So, this is where I've always run into
12 conflict before. And now I'm going to start with the
13 other explosive -- remember, location based. And it's
14 going to get, I would assume, the advocates just
15 furious. Now, I would assume also in a people-centered
16 approach, coming up with a comprehensive plan, that's
17 going to get the other side saying gee, my parks aren't
18 still being guarded, my airport, you know, the
19 recreational centers aren't open, my libraries aren't
20 being used -- you see. Now, that should get the city
21 and the county really concerned about well, where is the
22 public message here, if we start with a completely
23 people-centered approach, because we haven't.

24 So, I'm going to ask, once again, that
25 now we approach it a different way. What is our

1 response to a people centered approach. What decisions
2 would the Court go through. How would I start to
3 differentiate that. And by the way, I think that some
4 of the things that are being mentioned are versus
5 wouldn't you want electricity, privacy, shade and cover
6 for outdoor spaces, storage for belongings. Wouldn't
7 you want 24-hour access to the residents, because I'm
8 hearing our residents are trapped. If we get inside a
9 shelter or a place that's almost like a prison, if we go
10 into one of these hotels, because they pull the fence
11 around it. Wouldn't we want access for people with
12 disabilities, which is the ADA problem, or the -- that's
13 always confronted us and it's never been adequate. What
14 about pets. How would we deal with that. And what
15 about shared living spaces for families, and how do you
16 define couples and relationships, which is always an
17 issue.

18 So, I don't know if I want to take the
19 same amount of time, but I'd like now to flip the coin
20 from where I started with the location-based approach,
21 that I'm so used to in terms of -- remember, when I
22 first got involved it was Judge, we want our parks back.
23 Judge, we want our libraries back. Judge, we want X, Y
24 and Z back. We want our airports protected. That's
25 where I started. I've now added freeways, because I got

1 concerned about health.

2 Now I'm going to flip the coin on you and
3 say if it's a people-based approach, help me designate
4 how I would approach that. How I would make that work,
5 along with you on the front side of the coin. Okay.
6 Now, I'm going to take a recess in just a moment, and
7 have you maybe discuss that again. Okay.

8 But, I want to take one more thing, and
9 that is I want to take this idea of whether you agree or
10 not or whether there's a better plan to how we approach
11 a settlement if we ever get there. And let me repeat to
12 you that my concern was that we are ten times larger
13 than anybody I have dealt with, but you have -- I'll put
14 it on the record -- I think better will -- a better
15 sense of having started down the line in terms of trying
16 to accomplish something in terms of homelessness, and
17 it's really refreshing to me how far you've made that
18 effort with goodwill. Okay. That's a compliment to
19 you. And I've said -- I use the word, maybe I shouldn't
20 have used that, but it's dysfunctional in terms of all
21 the agencies trying to interact. Okay.

22 Here's where I started, and I want you to
23 tell me why I'm wrong. I started with this wonderful
24 mosaic called Los Angeles, but because we're so diverse
25 I didn't believe that we could get anything but an

1 overarching settlement. And when I looked at Boise, the
2 Boise case talked about what. Boise, Idaho, a
3 municipality. Right. Well, that's my only guidance
4 from the Ninth Circuit. They didn't talk to me about
5 Los Angeles Street or 16th and Maple. The -- when Judge
6 Berzon wrote that, she wrote about a municipality. She
7 didn't write about a spa. She didn't write about a
8 supervisory district, because that's not what was in
9 front of her. So, I'm going to throw out some very
10 provocative things to you, which is going to cause each
11 side to flame on occasion. Good. Watch all matters.

12 Should it be a spa. Well, if it's a spa
13 how many different supervisors are going to get involved
14 in that process, and how many different city council
15 people in that process are involved. It should like
16 inertia to me, but I could be wrong. Should it be a
17 supervisory district. Well, how many council people
18 are involved in a supervisory district. That larger
19 entity takes away what I thought was my most valuable
20 asset, and that was the councilperson and their
21 particular district. So, when I started looking at
22 that, and I think I talked to Joe first, and I think I
23 talked to Mike Bonin on the same day or one day after.
24 I can't remember. But we were all kind of thinking how
25 do we get the inertia going. And it was all goodwill.

1 And so we started saying well, gosh, my district is
2 bigger than Boise. My district has 280,000 people, or
3 300,000 people, and my best asset is either Mike Bonin
4 on the ground or Paul or Marqueece, whoever, who knows
5 their district. And I thought why would a court come in
6 with a broad settlement that caused everybody to act at
7 one time, because there's such a different flavor in
8 each district. And I didn't know what the 60 percent
9 was, or whether that was a valid number, or even if I
10 should be dealing with your number. In other words, I
11 took the old model when I came up here. And although
12 I've since -- I've thrown it away. I'm wide open for a
13 discussion.

14 So, we thought -- Judge Smith, these were
15 private conversations. Didn't involve Michele at the
16 time. Just a lot of conversations back and forth. The
17 best model seemed to be initially, when we were talking,
18 with the council model. Now, since then a couple of
19 other things have been thrown out there. Well, Judge,
20 what about ZIP codes. Well, how many ZIP codes are
21 within a council district, and how do they overlay. And
22 then, Judge, we're also going to have in two years a new
23 census that divides it. Well, if you're going to wait
24 two years just tell me. I mean, I'm wasting my time and
25 I'm wasting yours. I can't wait two years, and I don't

1 think you can either. But if you can, just tell me two
2 years. We're done.

3 MS. MICHELE MARTINEZ: Speak louder,
4 please.

5 THE COURT: So, I'm almost done. If
6 there's a better model I'm wide open to listening to
7 that. I just will repeat to you I thought that the best
8 person to know his or her district were you as the
9 council. That it had to be an overarching agreement,
10 and something that Carol Sobel had said to me three
11 years ago, it -- when we first talked about the county,
12 and I'll repeat this, because I'm not breaking a
13 confidence, was, you know, my process and procedure is
14 very important to me. How people are being treated in
15 this walk through homelessness is really important to
16 me. I didn't understand that at the time. But, that
17 process and procedure might be an easy thing to reach
18 for you, because you're so far ahead here in Los Angeles
19 of how you've been trying to deal with people than what
20 I'm used to. And so, it's another compliment to you.

21 You seem to have a really good idea of
22 the process and procedures going on in Los Angeles. And
23 so, I've always thought that that might be the easier or
24 overarching thing to reach, although we've had some
25 experiences that caused me to throw away that old

1 template and start again afresh. So, tell me what the
2 model should be. And if you think you can, by the way,
3 get this city moving with one agreement, and one time
4 frame, between John Lee -- and I'm just kidding you, and
5 Mike Bonin and Marqueece and -- be my guest. Tell me
6 how to do that.

7 So, I'm wide open to this. And I really
8 want you to correct me now, because if it's ZIP codes
9 tell me why it's better. If it's a supervisorial
10 district, tell me why it's better. Because I'm
11 listening now, for a change. Now, if you want to have a
12 conference that's fine. So -- yeah, Carol.

13 MS. SOBEL: I feel that I must say
14 something publicly, because we've had separately or
15 directly from the LA Alliance, we've talked to the
16 county, and I heard Nury speak this morning. I firmly
17 believe that the 60 percent in district by district in
18 Los Angeles is unworkable.

19 THE COURT: Okay.

20 MS. SOBEL: And it operates off of
21 premises that haven't worked in the past.

22 THE COURT: Okay.

23 MS. SOBEL: So, we come into a city where
24 lots of published guidelines that said criminalization
25 doesn't work. Yet, in Los Angeles we have had Safer

1 Cities initiative for 15 years, great -- for 14 years.
2 Great proof that it doesn't work. Okay. So, we know
3 that it's not going to work. So, it's 60 percent and
4 then you get to enforce, what are you going to enforce.
5 Where are we putting people, and what is the cost of
6 that.

7 THE COURT: Right.

8 MS. SOBEL: And as the Court knows, it is
9 our position that at this point in history, given the
10 necessity to comply with Covid-19 restrictions for
11 probably the next two years, it would be a bad decision
12 to move towards more shelter. Because you have to build
13 at least three times the number of shelters we currently
14 have in order to get that kind of space and protect
15 people. Union Rescue Mission has something like one in
16 five people who have tested positive now for Covid-19.
17 We had the situation at the Granada rec center. The rec
18 centers are going to close.

19 So, my thought was what is the best use
20 of the city's money. LAHSA did a report at the request
21 of the -- and as the Court knows -- and, I'm willing to
22 give anybody the settlement statement that we filed,
23 because there's nothing really secret in that. We only
24 use public documents to come up with our numbers. Okay.
25 We used the LAHSA report that was done, in response to a

1 request. It was a motion from Mike Bonin, tell us what
2 it would cost to put every single person in Los Angeles
3 who is on the streets now into shelter, and what it
4 would cost to operate that. It was over \$650 to create
5 that shelter system, two, three years ago. So, it's
6 going to be a lot more expensive now, because of the
7 Covid-19. And it would cost \$360 million a year to
8 operate that. \$1 billion in the first two years.
9 Crazy. Just crazy.

10 So, I started thinking about what is a
11 different approach here. LAHSA reimburses about 60, \$61
12 a day for each person in a shelter. Most people in
13 shelters need to get back on their feet. They're
14 economic homelessness in this city. They work at jobs
15 that don't pay a living wage, because we're not quite at
16 what we call a living wage. And even when we get to
17 that living wage, it is currently less than half of what
18 it takes to rent a crappy little apartment in this city.
19 Okay. You have to earn at least, like 62, \$63,000
20 pretax to be able to afford the mean on a studio in this
21 city.

22 So, I think about that. And I think what
23 is the way out of this problem. If we only build
24 shelters, and we continue to have the other factors
25 operating here -- because we're not moving fast enough.

1 You know, the Prop H is going to produce about 5,600
2 units of permanent support housing. A lot -- there's
3 another, like, 1,500 units or so that go to managers and
4 affordable units, something like that. It's like a
5 little over 7,000. It's not the 10,000 in ten years.
6 It was started -- a great idea, and a really -- and
7 important. And it's important that we do that. But, it
8 wasn't enough to begin with and it certainly isn't
9 enough now, as we keep seeing homelessness jump about 12
10 percent a year.

11 We don't have the 2020 numbers, but given
12 what the -- what the LAHSA has said, what Sheila Cuel
13 [ph] has said, that we're housing 130 people a day or a
14 week, whatever it is, and 150 are becoming homeless.
15 That's a 15 percent jump right there. So, we know that
16 it's going to be a significant increase, even before
17 Covid-19. So, the question for me is what is the right
18 approach to get a real solution that is going to last
19 into the future. We will never be able to -- you know,
20 we have some monies that are available, in special
21 monies. We're not going to have, probably, as much
22 money as we expected. The state is now in a hole of \$56
23 billion for next year. We have all that. So, do we
24 throw good money after bad, or do we take a different
25 approach.

1 We have a -- you know, we talk about it
2 as a homelessness crisis. We have a housing crisis.
3 Brandon yesterday called it an affordability crisis.
4 And we have a racial crisis in this city. And they are
5 all tied together. It isn't one or the other. And so,
6 from my way of thinking anything that we do it is people
7 centered, but it's got to be something that's going to
8 change the dynamic and not create this huge shelter
9 system that is going nowhere, and that warehouses
10 people.

11 And again, as you know, I used the LAHSA
12 numbers on the success of getting people from there. It
13 isn't -- you know, it's not LAHSA's fault that we don't
14 have housing in this city that's affordable for people.
15 It's a result of a lot of different things. It's the
16 result of gentrification. It's the result of city
17 policies and county policies that have allowed high-
18 rises to go up and redevelopments to go up without also,
19 at the same time, providing for the people who lived in
20 that before. I understand that's, you know, progress.
21 But we don't have a comprehensive plan. So, if we just
22 do shelters, it will just continue to get worse and
23 worse as the cost of housing escalates.

24 And none of this factors in what's going
25 to happen with all the Covid-19 people, people who are

1 dislocated. I know the county wants to do rapid
2 rehousing. And that's critically important. But, I
3 really fear that what we're going to see is what we saw
4 in 2008, when the Tom Varicks and Steve Mnuchins came
5 through like a windstorm, and bought up all the
6 distressed properties and people were -- no longer could
7 afford it. So, my concern is that we talk -- at least
8 talk about whether it is as cost effective to get
9 different properties now, whether it's modular homes,
10 whether it's some pallet homes -- we're not going to
11 build our way out of homelessness with pallet homes.
12 They're -- you know, they're cute, and they're useful.
13 But we're not going to do that, because we -- that
14 probably is something close to, I don't know, some 15
15 percent, 75,000 people on a low count. And, you know,
16 and that's without Covid-19.

17 So, I really do think that we need to
18 talk about -- if we come up with a settlement, we need
19 to talk about what percentage is going to be short-term
20 shelters that we initially need. What percentage could
21 we build into housing now, whether it's, you know --
22 this isn't going to be a huge issue, but vacant
23 properties. The Caltrans houses along the 710, the
24 Caltrans properties in Pasadena. Not a huge number, but
25 a contribution towards the total. And maybe micro

1 communities, for women -- you know, families with
2 children. Whatever it is. But, we need to be -- have
3 an approach that gets us density now and a permanent
4 solution. Otherwise, we are just throwing good money
5 after bad, and we're not helping enough people to stem
6 the flow.

7 And then -- and I would go back to when I
8 filed the Jones case, I -- and I've told before this --
9 I mean, I -- for a year, I told people I didn't know how
10 to file that case. I didn't have any evidence. I
11 didn't have -- you know, I knew people were on the
12 streets. And that was in 2000. So, you know, we didn't
13 have databases like we have now. And then the economic
14 roundtable published a report, and said to the city of
15 Los Angeles and the county of Los Angeles you have a
16 problem around homelessness. You need to stop the
17 feeder pools into homelessness. If you do that now, it
18 will cost you X amount of dollars. If you do it in five
19 years, it will cost you this much more. Ten years -- I
20 think they went up to, like, 15 or 20 years. My only
21 disagreement with that report is that they
22 underestimated what it would cost in 2020 dollars to
23 address the -- stopping the feeder pools into
24 homelessness.

25 And we can't -- we've taken so much time.

1 We come up with all these different reports. The -- I
2 go back to the ten-year plan to end homelessness in Los
3 Angeles, which I think was in the 1990s, you know. And
4 so, I really would like us to get to a settlement that
5 is realistic, and not a Band-Aid. And that really said
6 what are the things we can change, how can we do it,
7 what would it cost us. I personally think that if
8 you're paying \$61 a day to have somebody in a shelter,
9 that means you're paying almost the cost of renting an
10 apartment.

11 THE COURT: What's the cost of jail?

12 MS. SOBEL: Pardon?

13 THE COURT: What's the cost of jail on a
14 daily basis?

15 MS. SOBEL: \$129 a night for the LA
16 county --

17 THE COURT: How much?

18 MS. SOBEL: \$129 a night for the LA city
19 jail. For the LA city jail.

20 THE COURT: Is that light for jail?

21 MS. SOBEL: This is according to -- and,
22 Judge, this is the UCLA million dollar budget report,
23 which some of you may have seen. It's a little less for
24 the county. I think that's a reflection that the county
25 pays the sheriff's deputies.

1 THE COURT: So, I'm going to repeat
2 something I heard. If I'm homeless and you pick me up
3 on a -- I got a citation and I failed to appear. Very
4 typical. Eventually, I get two or three warrants and
5 you pick me up. I go into jail. I arrive on a Friday
6 night. I'm going to spend Friday night, Saturday,
7 Sunday, and if I'm lucky I hit -- if I don't get a bail,
8 on my failure to appear, I'm going to hit court Monday.

9 MS. SOBEL: Or Tuesday.

10 THE COURT: Now, a lot of judges might
11 think hi Dave, where you living. I don't have a home.
12 Hi Dave, how much are you making. I'm homeless. Now, a
13 lot of judges might think, you know, four days, credit
14 for time served, let's get this person out of here
15 because of the cost. So, now we've got that revolving
16 wheel. It's meaningless to -- it's taking law
17 enforcement, a huge amount of their resources. It's
18 taking the court, a huge amount of their resources.
19 It's taking the homeless person back on the street,
20 usually without their blanket to go back to or the tent
21 that they can't find, or identification that they can't
22 find. So, the end result is -- I'm spending 101 -- no,
23 I'm a very conservative taxpayer. Let's pretend that
24 for a moment. \$121 a day versus a shelter --

25 MS. SOBEL: 129.

1 THE COURT: 129 versus -- and I don't
2 know the cost. So, I leave that to you. It may be --
3 that thing out there is \$7,600. Okay. I don't know
4 what that figures out over a period of time. By the
5 way, I told Amy she could come in and speak. I don't
6 know if you know this, but all those folks who set up
7 this morning are former homeless people. Wow. I mean,
8 that's really -- is she still out there? I want to take
9 one --

10 MS. SOBEL: It's \$4,900 actually.

11 THE COURT: Huh?

12 MS. SOBEL: 4,900.

13 MS. MITCHELL: For the base. It's --

14 MS. SOBEL: The base.

15 THE COURT: Yeah.

16 MS. MITCHELL: -- 7,600 for the air
17 conditioning, the heating, the --

18 MS. SOBEL: Yeah. I --

19 THE COURT: Yeah. The whole lot. It's
20 got electricity. Good. It's got privacy, good. It's
21 got a bed. But if you don't like this -- if you don't
22 like Mayor Garcetti's purchase, please come forward --
23 yeah, Elizabeth, will you see if you can find Amy for a
24 moment? It's a great story. It takes five minutes, and
25 I'd like to have her do it.

1 It seems to me, from my standard -- I
2 mean, what a home run. And I'm not saying that that's
3 the solution. Because remember, I only brought the
4 trailers in to try to break an impasse and show what was
5 out there at the time, out of the oil fields of North
6 Dakota. I kind of wish I hadn't done that in
7 retrospect, because I'm not pushing for those trailers.
8 But by the same token, I needed something in front of
9 everybody that said, hey, here's some trailers
10 available. If you want them, fine. If you don't, fine.
11 So, Amy, come on up for just a moment. Have a seat next
12 to me, over here. And I'll be --

13 MS. SOBEL: Your Honor, can I just add
14 one more thing. If people have places to live, even if
15 it's a small room or even a shared room, property
16 disputes will take care of themselves. Because people
17 won't be on the street anymore if they had a secure and
18 stable place to live. We won't be fighting over how
19 much property people have on the streets.

20 THE COURT: But let's hear something --

21 MS. SOBEL: Okay.

22 THE COURT: -- for a moment. I didn't
23 know what this looked like. And I thought, well, gee,
24 I'll go down to the warehouse, or wait until it's set
25 up. But by that time, it's like it's too late and

1 somebody is complaining. If somebody doesn't think that
2 this is adequate, don't be choked by our conversation.
3 Tell me it's not adequate. Amy, we're waiting. We'll
4 see if you're adequate or not.

5 MS. KING: Okay.

6 THE COURT: Okay. I -- hold on. First
7 line?

8 MS. MITCHELL: We love the pallet
9 shelters.

10 THE COURT: Shayla?

11 MS. MYERS: I mean, I think it's less
12 important what I think. And it's more important what
13 unhoused folks think. That's a conversation with
14 housing.

15 THE COURT: We go out and get 30 of them,
16 bring them in, take a survey. I'm just kidding.

17 MS. MYERS: I mean, well -- I mean,
18 you're -- can -- sorry.

19 THE COURT: I don't know how -- Shayla, I
20 don't know how to deal with that. Okay.

21 MS. MYERS: No, I -- what I was going to
22 say, Your Honor, is that, well, we have had
23 conversations and I do think that they -- for a fair
24 number of folks who were unhoused, I do think they check
25 a lot of the boxes.

1 THE COURT: But, are you objecting to
2 this? Mayor Garcetti bought 50, he had a competition,
3 he thought that they were great. If there's an
4 objection, I don't want to wait until they're set up and
5 then have to wrestle with some kind of --

6 MS. SOBEL: Here's the problem.

7 THE COURT: -- complaint.

8 MS. MYERS: No.

9 MS. SOBEL: He couldn't agree on a
10 location for RV parking.

11 THE COURT: I'm not worried about a
12 location. I'm worried about these right now. They're
13 right --

14 MS. SOBEL: No, no. But, Your Honor, you
15 -- the problem with -- these are maybe a small part of
16 the solution. The -- when we focus on what we're going
17 to do, if we're going to do something bigger, we have to
18 think about where can we create housing for people
19 without running into all of the NIMBYism. Are there
20 existing buildings that can be repurposed. Are there
21 locations that won't create the same kind of NIMBYism.
22 My concern about something like the pallet homes, and I
23 -- and I'm not -- you know, I'm not objecting. I'm just
24 saying that they require more, almost, confrontation on
25 where they're going to be located.

1 THE COURT: Okay. Okay.

2 MS. SOBEL: And so, one of the things I
3 was trying to think about is how can we scale up, how
4 can we get more people into stable houses, and minimize
5 the --

6 THE COURT: Okay. I'm going to respond
7 to that and give you an answer. Everything is on the
8 table. This is not one solution fits all. I'm only
9 asking about the first 50 because if there was another
10 location, maybe the mayor's interested in hearing right
11 now, gee, we don't like these because -- well, you know
12 something, if we had another 100 of these it's worth our
13 investment without conflict or pushback. I think Eric
14 would like to hear that. And right now, I think for the
15 first 50 we're -- but, LAHSA, I know you're happy with
16 them, because the mayor purchased them. County?

17 MR. YOUNG: No issue.

18 THE COURT: I'm spending the night, Amy,
19 and there's shelter out here in the --

20 MS. KING: Great. Love it.

21 THE COURT: -- lobby -- okay. Now, hold
22 on. I just met her. You told me a wonderful story
23 about the young people out there setting it up.

24 MS. KING: Yes.

25 THE COURT: Would you tell the folks that

1 story, so I'm not telling them who they are.

2 MS. KING: Absolutely. So, the people
3 that we employ to build and produce our pallet shelters
4 are individuals that are exiting the criminal justice
5 system, addiction recovery and homelessness. All of
6 those men out there that came with me in the red shirts,
7 with the exception of one, that is my husband -- the
8 other three have all personal experience with
9 homelessness, addiction and incarceration. We have over
10 the last five years, between pallet and our construction
11 company, employed over 500 people in the state of
12 Washington with that background, and we have a less than
13 3 percent recidivism rate.

14 THE COURT: But you'll produce them right
15 here for our job base, won't you?

16 MS. KING: I will be happy to produce --

17 THE COURT: Yeah.

18 MS. KING: -- them here for you. Yes.

19 THE COURT: See, and I'll tell you why.
20 Because if you talk to Gil Cedillo, Gil Cedillo will
21 tell you pointblank, and I don't have to break the
22 confidence, hey, I want building in my district. I want
23 jobs out here. You know, I want construction going on.
24 And Gil said and I'm telling you that right now, this is
25 a horrible thing that happened but I want -- you know, I

1 want employment. So, therefore, you're bringing that
2 employment here. Right?

3 MS. KING: Yes.

4 THE COURT: You're not coming from
5 Seattle.

6 MS. KING: We would be happy to open a
7 line here. Yes.

8 THE COURT: Yeah. So, that's local folks
9 working local trades, et cetera. Now, you can produce
10 how many hundred thousand in the next day? I'm just
11 kidding.

12 MS. KING: We can produce quite a few.
13 So, we can get up to 500 a week out of our current
14 plant.

15 THE COURT: Uh-huh. Now, I'm not pushing
16 any for your product. In fact, I brought a bunch of
17 trailers from North Dakota or someplace. I'm not
18 pushing that product. All we're doing is telling you
19 capability, because everything is on the table. And now
20 I'll tell you something else that's on the table. I was
21 pretty harsh with the VA. Okay. I've got to tell you
22 that. As a veteran, I'm not real pleased. And I've got
23 a bias in terms of the way veterans have been treated.
24 And if I put that on the record, and admit you're
25 biased, then you can be fair, right. But you got to

1 admit that sometimes. I was biased against that.

2 I went out to the VA, and I got to tell
3 you something. They did a great job. They did a great
4 job. Went out there and took a look, and they're
5 setting up 209. It -- oh, I know, it's too slow, too
6 late, too little, subject to -- but they set it up. And
7 they've got two more or three more coming on board. But
8 the astounding thing is that they made a value choice.
9 And I'll tell you how much is on the table right now.
10 They took the veterans off the street around the
11 encampment and put them behind on a parking lot.

12 And I'll show you. It was bring your own
13 tent, and bring your own stuff. Because, first of all,
14 you're safer. We've got hygiene. We've got water.
15 We've got food, and we -- at least we've got a toilet.
16 Because Shayla, you were complaining that the city only
17 had X amount of toilets and hundreds of thousands of
18 people. Now, is that a good solution. Absolutely not.
19 But it's a great solution compared to what they had
20 before. So, that's what Dr. Sharon --

21 MR. YOUNG: Sharon.

22 THE COURT: -- Sharon was trying to say
23 to us, and that is when getting these people, try to do
24 something along the way, even though it's not perfect.
25 Get moving. So, you're one option for us.

1 MS. KING: Uh-huh.

2 THE COURT: And you can produce 500,000
3 in a week.

4 MS. KING: Sure.

5 THE COURT: No, I'm just kidding.

6 MS. KING: You bet.

7 THE COURT: But, you can take back to the
8 mayor whatever you're going to do, that that's another
9 option on the table. And you're not hearing pushback.
10 So, if they get put up -- other than the location fight,
11 which is always going to take place, which place, how
12 much room, et cetera. That will always be on the table.
13 Great. So, Amy, anything else you want to say?

14 MS. KING: Well, our units can be moved.
15 So, if you need to change the site around -- we have
16 other deployments, where we've set them up and they've
17 been up for three to six months and then that -- in a
18 certain district, and then they move to a different site
19 in another district, so that different areas and
20 neighborhoods are sharing that load. And then, in
21 Sonoma County, they've emptied out the -- or, cleared
22 the Joe Rodota Trail, and moved all those people into a
23 site that we set up there. And the adoption rate was
24 almost 100 percent, of the homeless individuals there
25 chose -- they had the choice between the pallet

1 community and then a congregate shelter, and they were
2 -- there's a wait list for the pallet shelters.

3 THE COURT: Yeah. And see, what -- it's
4 just one more example. This is not the solution. The
5 solution may be bring your own tents to the VA. The
6 solution may be these. The solution may be hotels and
7 motels that are purchased and become more permanent, for
8 example. Those are all on the table now, for everybody.
9 But I wanted to bring that in today, just so we could
10 look at them. Because I didn't know what they looked
11 at.

12 Now, one of the things that happens also
13 is we used to talk about \$600,000 per unit. I leave
14 that to you. Because I can imagine if you're living in
15 Kansas or any part of America that seems like a lot of
16 money. Doesn't it. So, I started -- and I have to tell
17 you another bias. I started believing that we could
18 accomplish this long-term supportive housing, and maybe
19 we still can. In fact, you've got a lot in the
20 pipeline. But I show on the flip side of the crisis
21 where I came from, that everybody was living on the
22 riverbed, and honestly anything that I could do, even 10
23 percent better -- even getting a lousy toilet out on the
24 river -- Brooke, remember when the county wouldn't
25 supply one toilet on the river, because somehow that

1 would attract homeless, when you had 1,500 people on the
2 river defecating.

3 And then the statistic was, to make you
4 really ill, and I put this on the record -- make sure
5 you put this down -- that one of the supervisors
6 complained that there were 400 pounds of feces that they
7 had picked up over three days. I won't tell you the
8 measurement made of that. Now, you have to wonder over
9 the five and a half years when people were on the Santa
10 Ana River, if you computed just that amount of feces for
11 three days, I wouldn't be swimming in the mouth of the
12 Santa Ana River or Newport Beach for a couple of years.
13 And I'll put that on the record. Because all that was
14 going right down the river.

15 So, from my perspective walking down the
16 river, I was somewhat stunned that there wasn't even a
17 modicum of a toilet, because somehow this would reduce
18 homelessness or attract homelessness in areas where the
19 homeless had already gathered. So, I'm going to take
20 Alameda down in Wilmington. Have any of you ever driven
21 -- down Alameda down in Wilmington? Go drive down there
22 sometime. Okay. And I understand the permanency of
23 that. So, the nice thing about somebody like you is
24 that once that purchase is made, somebody can reuse it.

25 MS. KING: Absolutely.

1 THE COURT: And if they can get it
2 cheaper from somebody else -- you're in a competitive
3 business. Right?

4 MS. KING: Sure.

5 THE COURT: And this unit out here costs
6 how much money?

7 MS. KING: So, all in, the shipping,
8 taxes and deployment fee, that unit is \$7,600.

9 THE COURT: Okay.

10 MS. KING: That's for everything, with us
11 setting it up.

12 THE COURT: And I got here and watched
13 you set that up in 23 minutes. That took 23 minutes to
14 set that up. Reusable. Removable. And we could fight
15 about where it goes, what parking lot or land later on.
16 But the nice thing is, if an investment is made in
17 something like that, I can keep reusing them. And I can
18 keep reusing it in communities where I am moving to
19 next, and next, and next. Because if, in fact, we were
20 moving people from libraries, or we're moving people
21 from airports, or we move people from parks or
22 recreational centers, this might offer us an option
23 immediately to put those people into humanely, rather
24 than just get out. Okay.

25 MS. KING: Yeah.

1 THE COURT: Well, Amy, thank you very
2 much.

3 MS. KING: You're welcome.

4 THE COURT: Yeah, I'm very humbled to
5 have met you, by the way.

6 MS. KING: And the same to you. Thank
7 you.

8 THE COURT: So, thank you. Yeah. Okay.
9 Now, I am hearing right now that there is no better plan
10 to include than some kind of hopeful overarching
11 settlement. So we have some policies and procedures and
12 some uniformity, but I hope that we believed that our
13 council people have the best input and knowledge about
14 their particular district. And therefore, if this does
15 work, that is going to require backbreaking work on
16 behalf of the federal court. Because we're going to
17 have to get involved with you and Joe on the front side,
18 and all of the advocates, and work together to make it
19 work. Otherwise, it's just lawsuits and come and see us
20 in two years. Okay. That's the kind of work it's going
21 to require. That's why Judge Birotte, Judge Gonzalez --
22 a lot of people are getting involved behind the scenes.
23 We've kept them out.

24 Okay. Now, I want to talk about
25 something that's really inflammatory. Because you

1 haven't had enough passion yet today. You're not angry
2 enough at each other and me yet. Enforcement. The
3 areas that are causing great concern are what was our
4 skeleton plan going to be, what does the word
5 enforcement mean, bulky items and possessions -- that's
6 a really touchy point. I want to talk about
7 enforcement. Okay. Whatever that means. Okay. I want
8 to assume in the county that you've got some cities that
9 like to write ordinances. And those ordinances are
10 pretty tough ordinances.

11 And you've got a big city over here, kind
12 of like this elephant called Los Angeles, and in this
13 neighboring city in the county that they write some
14 pretty horrific ordinances that really cause the
15 homeless to move. They say, you know, I can't do X, Y
16 and Z, and so this ordinance in this city is so strong
17 that I'm going to go to another city that either has
18 that ordinance having previously been declared
19 unconstitutional -- and I'm not saying that there are
20 cities like that, but -- one of the things that the
21 advocates have to fear in any settlement is this. And I
22 would think that the city would fear this, because
23 you've got what I call kind of these medium ordinances,
24 and they sweep citywide. In other words, you can't
25 divide out your district, Joe, from --

1 COUNCILMAN BUSCAINO: Correct.

2 THE COURT: -- John Lee's, from Mike
3 Bonin's. You can't do that. So, you've got to, kind
4 of, these ordinances -- or another city, if they wanted
5 to, could take advantage of you.

6 COUNCILMAN BUSCAINO: Yes, sir.

7 THE COURT: So, I would assume that
8 you're starting from a point that all of us recognize,
9 anytime we don't have to arrest or even cite that that's
10 a good place to be. And I would start from the point --
11 and a firm belief now, after three years, that most of
12 your homeless, however you define that number, actually
13 want shelter. And I'm going to start from a point that
14 I think we've had it backwards talking about the 5
15 percent and the 5 percent, that I would love to see us
16 dealing with the 60 or 70 percent -- never forgetting he
17 others, by the way, don't get me in that position -- but
18 the 60 or 70 percent that we would be getting shelter up
19 -- or 75 percent, I don't know, or 80 percent -- I have
20 no idea what the number is, that -- who want to come
21 into shelter.

22 Because that would help the city
23 immensely with that voluntariness. Right. I mean, Joe,
24 it would clean up your district amazingly for your
25 public, and the perception. And I've come to believe,

1 with a bias on my part that I freely admit, that most
2 homeless people will come into shelter. Most homeless
3 people, if they had -- however you define decency and
4 talk about that, with varying degrees, will actually
5 want to come into shelter. Now, I started with a rate
6 of 60 percent, and I've thrown that out the window.
7 It's meaningless to me right now. And if that's the
8 case, then how do we accomplish that and how quickly do
9 we accomplish that for that -- whatever percentage it
10 is, as quickly. So, Carol? And now, solutions. How
11 do we accomplish that?

12 MS. SOBEL: Well, I want to talk about
13 Los Angeles, because I think, you know, what I've said
14 to the Court and what I will say publicly is when you're
15 talking about a city in Orange County that has --

16 THE COURT: I'm not.

17 MS. SOBEL: No, let me just set this out.
18 Because, you know, you know this but I -- you know, I've
19 said this to you, but I want to say it to everyone else.
20 When you're talking about a city in Orange County that
21 has maybe -- you know, what -- setting Santa Ana and
22 Anaheim aside, that has, maybe, you know, 96 homeless
23 people, and they set up a shelter that takes in, like,
24 56, and they're next to a city where they could -- you
25 know, they've got a -- the county operates a big

1 shelter. You're talking about a very few people. When
2 you're talking about any percentage like that in Los
3 Angeles, you're talking -- just using 2019 numbers, you
4 are talking about more than 10,000 people still on the
5 streets. And if you're talking about what it is now,
6 you're talking about 15,000 people. You're talking
7 twice the number of total people who are unsheltered in
8 -- who are homeless in Orange County, both sheltered and
9 unsheltered.

10 So, I don't understand what that means in
11 Los Angeles, nor do I understand what it means when we
12 have the LAHSA guidelines. And I don't -- you know,
13 from my perspective, the LAHSA guidelines are what
14 should control what every city and the county does in
15 this jurisdiction. And that is you don't criminalize.
16 If you have to arrest somebody, you have collaborative
17 court. We don't have that. You recognize that every
18 time you criminalize someone, you have created barriers
19 to both getting them into shelter, getting them into
20 services, and getting those services for them going
21 forward. The LAHSA guidelines are excellent. And they
22 should be what forms the discussion on this issue.
23 Otherwise, I don't understand why LAHSA did it. But,
24 you know, I -- they're very good.

25 THE COURT: Okay. Carol and I have had

1 this discussion numerous times, I think the last one
2 with Whittier. So, let just have that discussion now,
3 because we have agreements and disagreements. I came up
4 with a solution, a good or bad one, about using the word
5 lawful enforcement. Carol, you wanted to -- hold on.
6 You wanted to write into the -- and let's be -- let's
7 have this discussion. You wanted to write into the
8 agreement that they would only, at the most, be cited,
9 with 840 or 850. Right?

10 MS. SOBEL: 853.

11 THE COURT: Yeah. You said that that was
12 the last.

13 MS. SOBEL: That's state law.

14 THE COURT: And I came back, and my
15 response was I don't want to take away from you the
16 right to sue if an ordinance is onerous or
17 unconstitutional. If a city -- if a neighboring city to
18 Joe's is taking advantage of that city, and creating an
19 unconstitutional law, and Joe is laboring under what I
20 call a constitutional law, you shouldn't be precluded
21 from suing that city and the county taking advantage of
22 you. And I still stand by that.

23 Our disagreement is that there has to be
24 some kind of enforcement. And when I use that word, you
25 think arrest. And immediately, the one or very few

1 people who would ever be arrested -- but law enforcement
2 has to have that, in a 138. And Brooke, once again I
3 apologize to you, or yesterday. But I'm going to lay
4 out the discussion Brooke and I had about this. A city
5 that I won't mention, named Stanton, has a clean-up.
6 And in that clean-up, Brooke gets word last night that
7 there is an enforcement action -- and Joe, this is going
8 to be typical -- where ten people are arrested. Okay.
9 Ten people were arrested.

10 Now, what we don't know, because this is
11 coming through a client, and -- is that they've had
12 prior cleanups with no prior incidents, out in that
13 area. So, of course, from an advocate's standpoint they
14 think ten people getting arrested. I mean, what would
15 you think. That's an enforcement action. And you've
16 got a pretty conservative mayor out there, who has been
17 pretty vocal about enforcement. Which means arresting.

18 What we find out is that 20 people
19 complied, 10 people didn't comply. Neither one of us
20 are there, and the miscommunication is the advocate
21 should have known that that cleanup was taking place.
22 They had notified you. You could have been there if you
23 chose to. What we didn't know is we didn't know that
24 any mental health people were there. Turned out that
25 the blue shirts -- what we call the blue shirts were out

1 there, like Heidi, but lots of them. Okay. But the
2 nice thing about it is we got everybody into court, and
3 I think -- and hopefully, we don't have a pattern and
4 practice, if it was an enforcement action, because the
5 federal court is watching that -- by the same token, if
6 it was a cleanup and you've got a bunch of bad actors
7 who was -- wouldn't move, then the question becomes how
8 much do you escalate that.

9 Now, most law enforcement people would
10 just like to get you to move so they could clean up that
11 location. There's no advantage in putting you into
12 jail. Now I'm going to tell you another incident Brooke
13 and I have a tremendous disagreement about. And that's
14 the Placentia [ph] cleanup. And that is, there we've
15 got a person who wanders out. Brooke will give you a
16 different version, but my version is correct,
17 unfortunately. Very -- no, my version is correct on
18 this. You're wrong and I'm right on this one. That
19 person comes wandering out of -- as we're spraying.
20 I've been out there two mornings, Brooke, and you can
21 verify that, walking up and down, talking to people
22 along with you and the city. We're going to have --
23 you've leaving this encampment.

24 And this person walks out, and Brooke
25 will claim he's got a medical -- and he may have from

1 past circumstances some medical issue. But this person
2 is stopping. He is not moving. And what he is causing
3 is the other people who are complying, moving up the
4 street with wagons and belongings, because of his
5 perceived attitude or actual attitude -- and I will say
6 it was an actual attitude, period -- nobody is moving.
7 Now, that's a 148. He was told to move repeatedly, and
8 wouldn't move. At that point, that person needs to be
9 given a real quick choice, and that is on that one-half
10 of 1 percent -- because by the way, we have 110 people
11 or something, 105 folks, I forgot what -- we had only
12 one incident out there.

13 Now, Brooke and I did a dog, cat and pony
14 show about it. I never was going to have the guy go to
15 jail, as long as there was something immediately in
16 everybody's presence that said, you know, keep moving up
17 the street with your belongings to that location as we
18 directed you. And eventually Brooke went over and
19 talked to him, came back to me, I talked to Brooke, this
20 deputy did a great job. By the way, we got him
21 released, no harm, no foul. But we did stop him. That
22 was a 148, Joe. Law enforcement has to have this,
23 because what the advocates can't write, and I'll say
24 this to you, you can't write the script for law
25 enforcement on the street. You can't take out the

1 authority of law enforcement to act on that appropriate
2 occasion, because that's their value judgement on the
3 street. Then you can complain to the Court. No, I'm
4 not done, Carol. I'll give you unlimited time in just a
5 moment.

6 So, that's when I say -- when I say
7 enforcement, that still has to be on the table in terms
8 of eventually having to make arrests in that extreme
9 position when it's called for. But nobody wants that.
10 And what's getting lost in this conversation repeatedly
11 is I just mentioned one incident out of 105 or 110
12 people. All of the rest lawfully complied, got out of
13 the area. But I think as advocates, you'll come back to
14 me and first question my perception last night -- now,
15 hold on. You're wrong about that. I saw it.

16 Number two, to me that's a 148. That is
17 absolutely where law enforcement should have acted,
18 period. Now, Brooke and I can disagree. I --

19 MS. SOBEL: So --

20 THE COURT: But no, I'm going to give you
21 a little bit of time --

22 MS. SOBEL: Okay.

23 THE COURT: -- believe it or not. Your
24 time. You've got to have that on the street when that's
25 called for by law enforcement. Period. But every

1 parent has to have that also with their children. There
2 has to be some consequence. But Carol had a really good
3 idea also, besides the LAHSA guidelines. It was
4 something that I realized on the Whittier that we
5 neglected, that we talked about. You also were going to
6 put in an aspirational sentence, remember. That the
7 goal was to not arrest. I'm --

8 MS. SOBEL: It's in there.

9 THE COURT: -- completely amenable to
10 that for one reason. Law enforcement is getting, in a
11 sense, better trained when three years ago they would
12 have been hook and book. When you said enforcement,
13 that -- lawful enforcement, that would be an arrest-
14 oriented atmosphere where I come from. Here, you don't
15 seem to have that. In other words, you're so much
16 farther ahead, that you seem to be willing to work the
17 other side, because the greatest benefit is you're
18 getting more people off the street voluntarily. Now,
19 I'm going to stop. I interrupted you. Now I won't.

20 MS. SOBEL: Okay. So, let me say a
21 couple thing. One, what I said to you at the time that
22 we had this discussion about Whittier is if you want my
23 clients to abide by the law, then the police have to
24 abide by the law. And 853.6 is the law in this state.
25 You cite and release, unless you have a specific reason

1 that you can give why you don't do that. There is no
2 reason to take someone into custody to teach them a
3 lesson or to do anything else.

4 THE COURT: Okay.

5 MS. SOBEL: So, that's number one.

6 Number two, so --

7 THE COURT: Just --

8 MS. SOBEL: -- I think back to a couple
9 of things. First, in this city -- and I realize the
10 Court isn't familiar with how law enforcement works in
11 this city -- periodically, this Metro police unit goes
12 out on their horses to intimidate homeless people. I
13 have litigated this over and over against the city.
14 We've litigated it. I've also opposed it. I've written
15 to all the chiefs. The purpose of that was just to
16 intimidate some homeless person. It doesn't have to do
17 with them committing any crime. One of my people was
18 this 67-year-old vet sitting on a bench on Venice Beach,
19 with his property, and the next thing you know he's got
20 to Metro officers on horseback, and they're writing a
21 citation that -- for a violation of law that doesn't
22 exist. Part of that is because Los Angeles periodically
23 sends out Metro. And while Metro may be really good at
24 SWAT, they are really bad at everything else, and
25 they're costing the city a fortune. Whether it's the

1 stop of black and brown people in motor vehicles, or
2 anything else, they're not useful. But the police keep
3 sending them out. That's number one.

4 Number two -- or, number three, is we had
5 a homeless committee meeting a couple of years ago. I
6 think it was homeless. It might have been public works.
7 I don't remember. But Mike Bonin was chairing the
8 committee. And the city of Los Angeles actually reduced
9 a lot of its municipal code violations to infractions.
10 And those include most of the ones that would have been
11 applied to people living on the street. Great idea,
12 right. Reduce them to infractions.

13 Here's what the lieutenant on Skid Row
14 said at the time, and what I know is actually the case,
15 because -- at least was for a while, because my office
16 does two pro bono clinics, one on Skid Row, one in
17 Venice, for people who get these citations. I pay
18 lawyers to go to court to represent people. We have
19 volunteer lawyers who come in. We do it on the same day
20 that -- in downtown that Legal Aid does their housing
21 and eviction clinic. So, we know what's going on on the
22 street. What the lieutenant said when Mike Bonin said
23 to him could you live with that if we reduce these
24 municipal code violations to infractions. The
25 lieutenant said not a problem, we'll cite them under

1 state law. Under the penal code.

2 THE COURT: Okay.

3 MS. SOBEL: So, they became misdemeanors.
4 So, the obstruction became misdemeanor, which allowed
5 them to then take somebody to jail. Because that was
6 how they were enforcing. So --

7 THE COURT: So now I'm going to give you
8 a solution.

9 MS. SOBEL: You can try to give a
10 solution, but, you know --

11 THE COURT: Well, we could go all day
12 long with the problems. Now solutions. First of all,
13 in the past this is -- your representation, excellent.
14 But somebody does something like this, and then you
15 decide I'm going to go seek redress in the court. And
16 if you can find the homeless person who had this occur
17 to either he or she, it's a difficult task for you. And
18 number two, if you can file the lawsuit, it's going to
19 take a while in Superior Court usually. It wouldn't
20 come to federal -- but it could come to federal court.
21 But either court, it's going to take a while. So, you
22 have to keep track of that person who may be stable,
23 maybe be transient. That's a hard place for you to be
24 historically, to remedy these wrongs.

25 When you have a settlement, you have the

1 Court involved on the front side. Now, hold on. So,
2 the end result is -- could be that we're going to watch
3 that city, we're going to make certain that that doesn't
4 happen again. You're going to get notice out. And if
5 you have one bad police officer doing this repetitively,
6 we see it on the front side. If we have a city doing
7 this repetitively, we see it on the back side. Or, the
8 old method that you're operating under I don't think is
9 bringing you the redress or the change that you perceive
10 is needed, and that is needed. Because it's all over
11 here, when you try to recoup those clients and get them
12 into court and hold them for a year or two for
13 litigation.

14 MS. SOBEL: Which is why I said to the
15 Court when we had this discussion a week or two ago,
16 whenever it was, is that if that's what -- you know,
17 that that doesn't work if the person is going into
18 custodial arrest because the damages are already done.
19 If the person is cited and released, there aren't --
20 there isn't the same injury. And the LAHSA guidelines
21 talk -- just to go back to them again, talk about the
22 harm, the trauma of arresting homeless people and
23 putting them in jail. We have a huge -- we had in, I
24 think it's 2013, the city decriminalized a lot of the
25 municipal ordinances, and the board of police

1 commissioners was involved and the city council approved
2 it.

3 And the reason they did it was they did a
4 study of how much time it took to take -- arrest
5 somebody and book them, versus how much time it was to
6 cite and release them, or just take them to the station,
7 book them, and let them go, if they didn't have proper
8 ID and you didn't know who they were. And they did a
9 cost study. They didn't do it because they were feeling
10 magnanimous about homeless people or anyone. They did
11 it because it cost too much in officer time and overtime
12 pay, to do that. So, they did this policy statement
13 that said you're going to comply with 853.6.

14 It's a -- you know, and we file the
15 document in some of our cases, just to remind the city
16 that this is what the city council passed. This is what
17 the board of police commissioners passed. So, Your
18 Honor, respectfully, we have a lot of experience in this
19 city, both collectively and individually. And you know,
20 if there is an agreement that can be shaped that
21 addresses those problems -- but what we cannot agree to
22 is that the city is free to arrest people and then you
23 will address it on the back end, when --

24 THE COURT: Nobody ever --

25 MS. SOBEL: -- they should not be

1 arrested in the first place.

2 THE COURT: -- nobody ever -- Carol,
3 nobody ever said that. And I think that what's getting
4 lost is that that is such a -- or, should be such a rare
5 occasion with this cite and release policy that those
6 fears are mistaken. That we're giving up on the huge
7 number of people that you believe on this, hopefully,
8 few occasions occur. And I'm saying that the Court
9 being involved with the front side is a better benefit.
10 Now, if you disagree, fine. But what you're doing now I
11 don't think is working.

12 MS. SOBEL: Judge, I --

13 THE COURT: No, hold on. From the very
14 beginning, have I ever said anything differently? And
15 call me on this. And I've always said I want strong
16 lawful enforcement and I want continuing enforcement
17 once these areas are cleaned up. Have I ever said
18 anything differently than that in the last three years?

19 MS. SOBEL: That's not what we're talking
20 about.

21 THE COURT: No, don't -- timeout. I want
22 to make certain that I'm --

23 MS. SOBEL: Yes. Yes.

24 THE COURT: -- absolutely --

25 MS. SOBEL: So, instead --

1 THE COURT: Have I always said that, I
2 want strong lawful enforcement? I didn't say arrests
3 and I didn't say infractions. I said strong lawful
4 enforcement. And I've said that ever since I've met
5 you, and I've made that a record. And I want it
6 continuing. Once it's cleaned up.

7 MS. SOBEL: But, the -- I don't know what
8 that means, Your Honor. I really don't understand what
9 that means. What are you enforcing for? If it's
10 cleaned up and people don't have any place to live --

11 THE COURT: Because if, Carol --

12 MS. SOBEL: -- what do we do?

13 THE COURT: -- if it's cite and release,
14 that's fine. It's --

15 MS. SOBEL: We've always --

16 THE COURT: It's -- hold on. If it's
17 853, that's fine. But on the occasion that I'm a 148,
18 and I'm not moving, and I chew up this ticket, flip you
19 the middle finger, and I stop other people, yeah, that's
20 a 148 and law enforcement should act on that occasion.
21 And they should not be choked.

22 UNIDENTIFIED FEMALE SPEAKER: Your Honor,
23 I think the problem is the --

24 MS. MYERS: Is it like a -- the case that
25 this --

1 THE COURT: No, I can't hear. One --
2 Brooke, I'm sure --

3 MS. MYERS: I think the issue is is that
4 what is presented in front of us -- and I think, you
5 know, if you want to have a different conversation,
6 fine. But certainly what folks have intimated that they
7 want to discuss at this table is the enforcement of
8 things like anticamping ordinances when there is no
9 place else for people to go. And I think --

10 THE COURT: Oh --

11 MS. MYERS: And that's what our problem
12 is.

13 THE COURT: But Shayla, there has to be a
14 place for people to go.

15 MS. WEITZMAN: Judge, that's what I was
16 hoping to clarify, is that to the extent -- like, even
17 if I'm wrong about all the facts on the other ones, the
18 cases that we were addressing were not arrests for
19 camping. They were not quality of life tickets. It was
20 only when it's a homeless person, how far did those law
21 enforcement officers need to go to bring in health care,
22 to do services, and when could they arrest for refusing
23 to move over for a cleaning.

24 THE COURT: Okay.

25 MS. WEITZMAN: Which is a very different

1 conversation than could they arrest them for --

2 THE COURT: Listen closely.

3 MS. WEITZMAN: -- purely --

4 THE COURT: Because these are the areas
5 historically in all of the settlements that we have been
6 involved in that are the flash points. So, we've
7 covered a couple of them so far. Okay. And this issue
8 concerning how you define that and how you enforce that
9 has always been a flash point. So, that's something
10 we're all going to have to deal with. I'm going to
11 leave it for a moment.

12 The next thing I'm going to touch upon,
13 just to have us start thinking, are bulky items. In
14 other words, we're going a little this way now. Bulky
15 items and the perception that the streets aren't clean
16 or are cleaned or you can carry a mattress or whatever.
17 And unless this is appealed, that's the law of the land.
18 Judge Fisher's ruling is it. And so, right now that
19 would stand for a modicum of things I take with me.
20 Right. And it's not, by the way, one 60-gallon can.
21 One 60-gallon trashcan was something that came into the
22 recreational centers, and Judge Fisher also talked about
23 that in her opinion, and hopefully a personal item.

24 But one of the things that was said to me
25 by the advocates was this. What happens if I go into a

1 shelter or recreational center and I'm -- and it's being
2 used. Then the city comes along and they create 30 days
3 of motel space, because they really want to sweep the
4 city. Okay. So, they create 30 days of hotel space,
5 and I come in with my tent and I give it up, and I give
6 up my towels and my personal effects. And I go in. And
7 then the lease runs out, after 30 days. And now I'm
8 supposed to go back out on the street, but I've got no
9 tent that anybody is going to supply me, no towels, and
10 I'm out. So, it was just used for enforcement purposes.
11 That's one concern.

12 The other concern is always going to be
13 how much. You know, if I'm living on the street how
14 much, and Judge Fisher decided that. And so, what
15 happens if we create these shelters. How much is coming
16 into these shelters, versus how much I can have on the
17 street if nothing has been created. And so, if I'm in a
18 particular district, for instance, or city where you
19 created a shelter, is it fair to set some kind of
20 standard. Because there's a concern that I should bring
21 my bicycle, I should bring my tent, and I think a tent
22 alone would fill up a 60-gallon trash bag. So far in
23 this city, the standard is somewhat in the vicinity one
24 60-gallon can, in recreational shelters. And a personal
25 item, like a bicycle, et cetera. I don't know if I even

1 want to get into that discussion, but that is the third
2 flash point that's come up in every one of -- well, most
3 of the discussions that we've had. And I think it's
4 been a hot topic for the council --

5 COUNCILMAN BUSCAINO: Sure.

6 THE COURT: -- to deal with also.

7 MS. SOBEL: We have decisions on that.
8 We've had three court decisions.

9 THE COURT: yeah.

10 MS. SOBEL: The Ninth Circuit, and two --
11 and three District Court. I think I'm a little lost,
12 because it's not -- Your Honor, I'm a little lost with
13 understanding why it's an issue to be discussed here,
14 given those decisions. Is the Court suggesting that you
15 would --

16 THE COURT: Did Judge Fisher address the
17 amount of belongings that I can bring, as a homeless
18 person, if I come into a shelter?

19 MS. SOBEL: That presumes that the
20 shelters are going to be the --

21 THE COURT: I'm sorry.

22 MS. SOBEL: -- option, and that's -- that
23 presumes that shelters are the only option here.

24 THE COURT: No, I -- but if I come into a
25 shelter, did she address that?

1 MS. MYERS: No, Your Honor. That issue
2 is not before the Court in Garcia.

3 THE COURT: No. Because what happened is
4 the city had to address that, Christina, when you built
5 the recreational shelters and it was decided that it was
6 a 60-gallon trashcan, along with a bike, and that was
7 the standard to come into your shelter. Correct?

8 MS. WEITZMAN: Judge, I think that's one
9 of the spaces where if we look at the cost effective
10 housing solutions, and we look at giving people rooms,
11 then that issue resolves itself.

12 THE COURT: Well, the -- exactly.

13 MS. WEITZMAN: Because they just bring
14 their stuff in the room.

15 THE COURT: And that's why I'm addressing
16 it here. In your discussions, hopefully towards
17 settlement, you have to address the difference between
18 if I'm living on the street and I've got no shelter --
19 you've got case law. That's it. But if I'm coming into
20 a shelter, what is a reasonable amount of things to
21 bring with me. And I think, Carol, we just had that
22 discussion and Judge Fisher did not address that. And
23 that is if I'm coming in is a 60-gallon can acceptable.
24 By the way, I've got two bicycles, can I have two
25 bicycles instead of one bicycle. Can I have X, Y and Z.

1 That has to be discussed in these discussions.

2 MS. SOBEL: It doesn't have to be --

3 MS. MYERS: Your Honor, if I could just
4 discuss --

5 MS. SOBEL: -- discussed in -- I'm sorry.
6 I'm going to defer to Shayla.

7 MS. MYERS: I mean, I think -- so, I just
8 want to flag how I think sometimes when it's articulated
9 to us from nonhousing folks about belongings and going
10 into shelter. I think frequently the concern is not how
11 much can they bring into a shelter, but is the -- are
12 they going to be discharged day to day, and they're
13 going to lose their belongings. Right. That's the
14 challenge with the winter shelters, and for the drop-in
15 shelters, and for any of these congregate shelter
16 settings, where a person has to make the decision to go
17 into a shelter day to day. They might not get a bed the
18 next day, and they need their tent. I think it's less
19 about -- I mean, some of it is about how much -- how
20 many belongings they can bring in. But more is about
21 that decision about whether to go into a shelter in the
22 first place. And I think it's a barrier to people going
23 into shelter.

24 MS. WEITZMAN: When we were looking at
25 this issue before, that's what -- you know, all of our

1 shelters switched to 24-hour services, drop in day
2 centers. Mainly we did that by making sure that people
3 didn't have to make that day to day choice and risk
4 whether they passed up tonight, because they could keep
5 their pet and they could stay all day, and they could
6 get help all day.

7 MS. MYERS: And so, I think it's also --
8 it's the argument for continuity in housing, rather than
9 drop in shelters on a night to night basis.

10 THE COURT: Okay. So, it keeps coming
11 back to housing. So, let's get into the last hot topic.
12 I mean, there's a lot of them. But, when I started
13 hearing about all of these pieces of Caltrans property
14 -- I'm very thankful today for your appearance. Because
15 I know I'm dealing with 19 pieces of property, and,
16 frankly, with what I was hearing I thought there were
17 300 pieces of available property. Fine. At least I
18 know what I'm dealing with. And I'm also hearing from
19 Carol's standpoint that there's a lot of city property
20 around. Available. In other words, that people can go
21 into. But when we watch the --

22 MS. SOBEL: A lot of that is Caltrans.

23 THE COURT: Well, hold on. Yeah. But we
24 when watch the buildup in the city, one of the things
25 that I was listening to was it was hard to get staffing

1 in. In other words, even if we got the property, we're
2 trying to ramp up but, you know, we're struggling to get
3 this staffing in at the same time. Now, hold on. I saw
4 that to begin with, but it got resolved by the city
5 having to go out and hire their own nurses, which maybe
6 they should have. I don't know. But, I don't have any
7 idea, and I'm humbly telling you this, whether I should
8 be listening to you, Carol, or this multitude of
9 property, and then you describe one piece of property
10 down in Pasadena which withdrew, I don't know. Or if
11 there's a limited piece of property, with, you know,
12 hazard concerns, or it's got asbestos in it, I don't
13 have a clear indication of what's really available out
14 there.

15 So, now I've got 19 pieces of Caltrans
16 property. What's fact and fiction. What do I have from
17 just the city of Los Angeles. And what kind of property
18 is it, and am I going to find out, like, it's Fairview,
19 where they, quite frankly, I'll put it on the record,
20 lied to me. And told me that it was unfit, that it had
21 all sorts of problems when I, quite frankly, had snuck
22 in. When the beds are turned down and they're using it
23 for first responders, sheriff's personnel, and I'm being
24 told as a judge that this facility is unfit for human
25 habitation. Well, thank God for Sharon Quick-Silva, who

1 is the Assemblyman who barged in with me. And there's
2 downturned beds.

3 Now, what am I supposed to believe when
4 that happens, about all of these numbers? So, you
5 understand why I'm very suspicious when somebody throws
6 out in good faith 300 Caltrans. Or there's unlimited
7 bed spaces. Or whoops, now we have an environmental
8 hazard, because we can't sleep under the freeway. Or
9 we've got asbestos. I don't know the number out there,
10 Carol, so I believe you -- I think you're in good faith.
11 Do I believe you? Not all. Marcus, do I believe you?
12 Not one bit. I think you're in good faith.

13 How do I get those numbers of habitable
14 spaces? So, if you make the argument that the city can
15 do this, but the courts say, you know what, you really
16 can do this -- or it's a staffing problem and, Judge, go
17 slowly, go incrementally. You know, take a particular
18 council district, like Joe's over here, and work with
19 Joe, because he's got a large number. And maybe work in
20 one council district to begin with, so we're not all
21 over the place. But Joe, if you know the numbers, tell
22 me. Do you know the number of habitable spaces in your
23 -- that we could convert to housing in your district?

24 COUNCILMAN BUSCAINO: The numbers of --

25 THE COURT: Yeah, like vacant places.

1 City-owned vacant property.

2 COUNCILMAN BUSCAINO: Your Honor, I would
3 want to be sure. We do have --

4 THE COURT: Oh, yeah.

5 COUNCILMAN BUSCAINO: We have available
6 18 lots. Council has --

7 THE COURT: I'd love it.

8 MS. SOBEL: The city also -- correct me
9 if I'm wrong, Joe. The city identified all of its
10 property, identified some of it that it would sell off
11 in order to take the money from that to pay for --

12 COUNCILMAN BUSCAINO: The --

13 MS. SOBEL: Yeah, for -- so, they know
14 what they have. There's another question that goes with
15 that, Your Honor, which is how do we look at the 75,000
16 people who are unhoused in, or underhoused, in Los
17 Angeles county and city and figure out who needs what
18 services. We have some -- we have systems -- we have
19 some systems. But then, how would we match them. I
20 think that we keep falling back into this notion of
21 shelters for everyone. And I think that's really
22 deleterious for a lot of people. They don't need a
23 shelter, they need a place they can afford. And one of
24 the things that I tried to do in our settlement
25 statement is I said -- I'm happy to give people, because

Page 130

1 all I used were LAHSA numbers anyway, and other reports
2 -- is to say we need to look at both who the population
3 is and what the cost is. And not going down the same
4 road we've gone down before, which may not be the best
5 use of our resources. I don't think we have -- I mean,
6 I think this is really our last chance for a really long
7 time to come up with an innovative approach in this
8 city.

9 THE COURT: Agreed.

10 MS. SOBEL: And that means we have to
11 think about who it is that is in homelessness, why
12 they're in homelessness, how we can use innovative
13 properties, can we repurpose properties, are there
14 building -- you know, we're in this city where people
15 bought up all of these office buildings and repurposed
16 them as upscale mini-lofts. You know, the old Salvation
17 Army building on 5th and San Julian was bought by a New
18 York developer who was going to do that, until it became
19 too cost prohibitive. But, you know, but the notion
20 that you'd put upscale mini-lofts at 5th and San Julian
21 is -- you know, you ought to have your head examined to
22 begin with. But, you could repurpose it to -- for, you
23 know, for housing, for use for people.

24 But there are other people who just need
25 a place where they can be. And maybe some of it is the

1 vacant Caltrans properties. Maybe some of it is other
2 vacant properties that exist in the city. Maybe some of
3 it is repurposing buildings. But I think the very first
4 thing we need to decide is are we locked into just
5 spending billions of dollars on shelters, or are we
6 willing to come up with an innovative plan that gets us
7 out of this hole we keep digging deeper and deeper.

8 THE COURT: Okay. So, my response to
9 that is that's your responsibility. I hear all the
10 problems. I'm still waiting for solutions. And that's
11 what I'm going to ask you to do. And after a period of
12 time, if we don't have that capability, just put it on
13 the table. Because what you're really going to say is
14 the inertia has taken over, that this is just too big
15 for us to handle in government, and it's just same old,
16 same old, lawsuits flowing. That's fine. But in a
17 short period of time, I'm going to be asking if that's
18 where we are.

19 So, the last generally -- there's a lot
20 of hot spots. But the last hot spot is really this
21 coordination, or lack thereof, between the city and the
22 county. And unless we have a blunt discussion about
23 that, then we're just walking around the problem. And
24 I'm not here to do that. This idea of services versus
25 structure versus how that interlaps leads to the

1 following kinds of conversations that I hear. Oh, the
2 county has got the money. Oh, it's the city's
3 responsibility. And I know that Kathryn Barger has an
4 extraordinarily good relationship with Eric Garcetti.
5 So, at the top I really believe that that mesh is taking
6 place. But it's flowing down in such a way that
7 initially I perceive that that is an age-old problem.

8 And maybe that's why LAHSA was created.
9 Maybe LAHSA came in as the 800-pound gorilla because we
10 had these historical problems. But the city can't move
11 without the county's largesse and power, because the
12 city of Los Angeles is probably, guesstimate, 60 percent
13 of the county. Now, I would -- make it fair, 50
14 percent. I don't care. I don't want to quibble about
15 that. But it's a huge amount of the services and
16 housing aspect, and it frankly maybe just needs to be
17 worked out, you know, on a piece by piece basis. Maybe
18 we need just to go that way. But up to this time,
19 that's the complaint I'll hear. When I'm walking
20 through it, that old historical they did this to me way
21 back when, they should have paid for it, or vice versa.
22 It's their responsibility.

23 If we've got that good enough working
24 relationship, what could happen is instead of forgetting
25 the old past wounds, maybe we're moving piece by piece

1 and just making it work. So, I wanted to bring that up,
2 because I've consistently heard that. Put it on the
3 table. But I think you're right, I think it's a way
4 forward from this point. So, where do we go from here.
5 Because if this is simply going to be I'll get back to
6 you, gosh, just tell me that. Because it's just inertia
7 by committee. And if in fact, if that's the case, then
8 I want you to file an answer, get the litigation going.

9 And if it's so shallow as to believe that
10 one of you are going to win or lose, I'll say, since
11 it's the end, let's just assume the city had a winner.
12 They got it knocked out on summary judgment, six months
13 or a year down the line. Okay. Another lawsuit is
14 coming. It's just coming piecemeal, or in a different
15 form. Or, if you prevail, what's the end result. A lot
16 of people are going to look pretty bad for a lot of
17 things that they shouldn't have done, quite frankly.
18 We'll have a wall of shame.

19 But the end result is it hasn't solved
20 anything now, because it's the first time I've ever seen
21 a council come together with 15 people, with your
22 strength, frankly, and Kathryn and the board come
23 together, and you've got a mayor in there who is active
24 -- for goodness sakes, if not now, I don't know when. I
25 mean, Carol, you said it. If not now, when. You're

1 going to write the history of this city right now, or
2 we're just going to have to say that the problem was
3 just too big. And I guess if the problem is too big and
4 we don't have a solution, I guess we don't have a
5 problem. Well, I think our public thinks a lot
6 differently.

7 I'm going to ask you one other thing. We
8 focus on the homeless, and that's the right place to be.
9 But what about the general public. What are they seeing
10 and getting so far out of any of our litigation. When
11 they drive down the freeway, and they just look, when
12 they see a homeless person who is yelling and screaming,
13 or they see somebody absolutely pitiful -- you know, a
14 woman sitting there with a dog, I mean, what -- how is
15 that perceived in terms of just human kindness. What
16 does our public gain from this, who is going to pay the
17 bill for this, who voted H and HHH funds. And go out
18 and ask the average person, because I don't know what
19 they think they've gotten out of that tax. You answer
20 that question for me. I don't think it's going to be
21 pretty.

22 So, if we lose that sight of the citizen
23 out there, who is -- would like to see something happen,
24 they can't quite define it between maybe strong on, you
25 know, arrests versus a tremendous amount of kindness,

1 and that whole spectrum. Ask yourselves along the way,
2 the homeless are part of the citizens. They're not the
3 separate group. They're not the -- the end all is what
4 betters this entire city, of which the homeless are a
5 part. And that's the way I'm looking at it. So, humane
6 -- humanity has to take precedence.

7 But by the same token, there's got to be
8 some activity here at some point. And we can't even get
9 started.

10 MS. SOBEL: If I could just --

11 THE COURT: Now, your turn.

12 MS. SOBEL: Okay. If I could just add
13 one more thing that I did say to you, and I will say it
14 publicly, along those lines. What I said was that -- I
15 think I said it to Andre, when I spoke to him a while
16 ago -- the public wants to see action.

17 THE COURT: Yeah.

18 MS. SOBEL: And it has taken us more than
19 two years to build 800 shelter beds under the Bridge to
20 Home.

21 THE COURT: Right.

22 MS. SOBEL: The rate of people getting
23 out of shelter and into some permanent placement, again
24 using LAHSA numbers from 2017, is 5 percent for the
25 drop-in shelters, 15 percent for something a little bit

1 nicer, and 25 percent for the Bridge to Home. It may be
2 too early to really have a Bridge to Home, because most
3 of those came in after the 2017 point in time count. We
4 can't take two years to build 800 shelter beds, when we
5 have 15 percent more each year. We need to have a
6 vision that says we're going to look at how we can move
7 a significant number of people off the streets into
8 stable situations in a very short period of time.

9 THE COURT: Yeah.

10 MS. SOBEL: And then, let's see how we
11 work on the rest of it.

12 THE COURT: Yeah.

13 MS. SOBEL: But we've got to convince
14 people that this is money well-spent. And that we can
15 do the job.

16 THE COURT: Yeah.

17 MS. SOBEL: And if -- and the way we're
18 proceeding now isn't going to get us there. So, I say
19 again, I -- I'll give you my document. I'll give you my
20 cost numbers. Maybe they're a little bit off. But I
21 don't think they're that far off. And let's figure out
22 if there isn't a different approach here than the way
23 we've been dealing with it in the past. Because we're
24 not getting anywhere with what we've been doing.

25 THE COURT: Okay. Here's what I've just

1 absorbed. Can we deal with never forgetting -- can we
2 deal with a huge number of people as quickly as
3 possible, in a humane way, to get them off the street
4 into something better. And I can't define that right
5 now, because it can't be done quick enough.

6 And then number two, maybe we still have
7 the energy and resources that I hope for for that
8 kindness to continue for the even more difficult.
9 Because the more difficult seem to be taking and sucking
10 all the oxygen out of the room to begin with. So, we're
11 forgetting that 60 or 70 percent of the people that, for
12 God's sakes, we can help if we just had shelter right
13 now, folks, I promise you, the bulky items gets solved.
14 You're talking 90 percent of these people out there who
15 say they'll go into shelter -- Judge, I don't care about
16 this. Give me a place to sleep, food. I'll walk away
17 from all this stuff, this mattress and everything else.
18 Okay. It would sure help our law enforcement. So, we
19 just need shelter.

20 And I don't -- everything is on the
21 table. Everything is on the table from the VA model, in
22 my world, where they bring their own stuff into a
23 parking lot, which is God awful, but they're protected.
24 To motel rooms and hotel rooms that are separate. To
25 this, to -- everything is on the table right now. Just

1 tell me and help me how to get there, because if you
2 don't then I've got to be the onerous judge that just
3 imposes it on you. And that's why I did that little
4 dog, cat and pony show, to send you out there. I didn't
5 expect you to reach unanimous agreement on everything.
6 Understood. But I did expect you to start yelling and
7 talking to each other, to find where the differences
8 were. And then if we need to go to a mediation, fine.
9 Or if I have to do something through a TR.

10 Now, let's test a couple things. I'm
11 going to throw out some wild ideas to you.

12 MS. SOBEL: Your Honor, I know I'm
13 talking a lot. Can I say something?

14 THE COURT: Wild idea. There's a lot of
15 discussion about what Boise does and doesn't mean.
16 There's been a request to clarify Boise. Well, you can
17 test that in a number of ways, if you want to. I think
18 that you would read Boise one way. There's other
19 advocates that would read Boise a different way. And
20 I'll give you some models. Hey, how do we start to
21 enforce. Can we do that district-wide. Do you have to
22 meet your whatever percentage or whatever scheme we come
23 up with.

24 Or another is this. Another is to
25 propose, well, you know, we get a -- the Los Angeles

1 site, for instance, or another site. And by the way, do
2 we then enforce for a three-block radius around that
3 site. Well, one argument could be, you know, that's a
4 great incentive to have other people build out quickly,
5 because a couple streets get clear. Right. It sounds
6 attractive. But the downside of that is how do you
7 start defining those sites. And aren't you just pushing
8 people like this. So, that's why I've always been on
9 the side of the district, because I could work with each
10 of you and the advocates who can work with you, Joe and
11 Nury, with a lot of work with each other's districts.
12 That's why I thought it was a better model. But that's
13 another model.

14 You want to try the spa. What a
15 nightmare that would be, but try that one. How about
16 the supervisor's district. The larger you get, it gets
17 unworkable. So, I think this still is best, that I
18 touched on, is the wisdom of a council people knowing
19 their own district and working with the Court and
20 working with the advocates to get this thing going.
21 Now, you tell me where to go from here.

22 MS. SOBEL: Can I just add one thing, so
23 I can just clarify for everyone in this room? We have
24 never, ever said that bulky items protects --
25 mattresses, couches, things like that -- we specifically

1 in Levan, which is the first major property case, we
2 specifically said that is not what we're talking about.
3 You want to take those, take those. We've never, never
4 argued that people get to keep mattresses, chairs,
5 couches, and things on the street. So, it's really a
6 nonissue. And the bigger problem in this city is people
7 dumping their old mattresses in the alleyways, which has
8 nothing to do with homeless people.

9 THE COURT: Okay.

10 MS. SOBEL: And as I said on an earlier
11 -- at an earlier court hearing, we have a special line
12 in the budget to clean the alleyways. And that has
13 nothing to do with homelessness.

14 THE COURT: Okay. I'm wide open to you
15 developing and guiding the Court. It's not a threat,
16 but if you don't then you're going to leave me to my own
17 devices. And once I decide it, I'm going to be very
18 reluctant to back up and start again. So, I'm really
19 asking you for some comfort level -- and right now I've
20 heard that I'm working on a five-week time plan, between
21 you and Caltrans. Right? I want to thank you for that.
22 Because I promise you, without that input I would have
23 been very unfair about that. I would have said, with my
24 impatience over this litigation, hey, I want it next
25 week. Now, that would have been ludicrous, right. But

1 that's what I would have said. I wouldn't have known.
2 So, am I going to work with you on five weeks. Yeah,
3 that was a good faith between you.

4 So, if you can control me and make me
5 wiser, I'm going to work with you. Otherwise, I might
6 make some outlandish decision that's got you chafing.
7 But I'm not going to back up on that, once I make that.
8 So, this is your opportunity. I would suggest that you
9 just some moments, have a conversation with each other,
10 lay out a timeline that you might want to develop a
11 location-based approach or a people-centered approach
12 that you talked about. See what that timeline is, and
13 how that would be feasible and work. I think you've
14 already got it in your minds. I think that you would
15 want to start wrestling with what enforcement means,
16 okay, and how that's -- that debate is going to rage
17 back and forth.

18 MR. UMHOFFER: Your Honor, I do think that
19 there's a way to break off another chunk here and have
20 some success.

21 THE COURT: Okay. I can't hear you,
22 though.

23 MR. UMHOFFER: I do think that there's a
24 way to break off a chunk here and have some success in
25 one particular area.

1 THE COURT: Okay.

2 MR. UMHOFFER: And that may be the county
3 and the unincorporated areas in the county.

4 THE COURT: I agree.

5 MR. UMHOFFER: I think they -- that might
6 be a very positive place to start.

7 THE COURT: I agree.

8 MR. UMHOFFER: For lots of different
9 reasons. So, I'm going to propose that we start there,
10 and maybe try to make some progress on that today.

11 THE COURT: I think so, too. And I think
12 I expressed to you that I thought there was a good
13 chance of your being the first to settle. Have you
14 talked to the advocates? Have you had a chance to have
15 a discussion with them?

16 MR. YOUNG: We have had preliminary
17 discussions with the advocates.

18 THE COURT: Okay. Give me a time frame.
19 You know my hours, don't you. But I would like to know
20 today if we're really making progress, if we can get
21 close or get it resolved. And if we can, it's a step
22 along the way. So, I agree with you. Some of these
23 issues are going to come up, though, I promise you, in
24 that discussion.

25 MR. UMHOFFER: So, my thinking is that we

1 would go and sit down with the county and try to work
2 out a turf sheet. And that that would be a good place
3 for us to start, and may give a template -- it may give
4 us a template for the districts.

5 THE COURT: And maybe not, by the way.

6 MR. UMHOFFER: Maybe not.

7 THE COURT: Don't expect consistency,
8 necessarily. Maybe not. Okay. What time would you
9 like me to be here, to make that effort. And by the
10 way, I would ask for that effort. But if some party
11 decides not to participate, that's my answer. That's my
12 answer. Choose -- you choose to control this and
13 participate and be part of the process, or you don't.
14 And if you decide not to, just please tell me.

15 MR. UMHOFFER: Alliance is in.

16 THE COURT: Let's go. Let's go try.

17 MS. MYERS: I don't --

18 THE COURT: What do you have to lose.

19 MS. MYERS: I mean, I think you may have
20 a difference of opinion about where the different
21 parties are. I mean, I think it's -- I think it has to
22 be said that we are not going to negotiate away the
23 constitutional rights of unhoused folks. That just has
24 to be very, very clear. And I think -- we are
25 absolutely open to every conversation that leads to

1 housing, right. And so, we are very interested in
2 housing and how to increase housing stock. Because I
3 think that will resolve the issues. But again, we're
4 just -- we are not going to negotiate away the
5 constitutional rights of unhoused folks. And so, we
6 should have that conversation, certainly. But it should
7 be a conversation, and I think I'm -- we just want to
8 make sure assuming --

9 MR. YOUNG: We're happy to have that
10 conversation.

11 THE COURT: Yeah. Specific proposals --

12 MS. MYERS: Well, so -- yeah.

13 THE COURT: Shayla, you may not be aware
14 of a confidential document to me, they may choose to
15 make those known to you. You're probably not even aware
16 of some numbers, et cetera. But, I would just encourage
17 you to go make the effort.

18 MS. SOBEL: We had a conversation for an
19 hour yesterday. The county gave us a list of points.
20 Then they had to get another call. Some of it was they
21 absolutely required that we incorporate this 23-page
22 document that I haven't even read yet. My recollection
23 of seeing the press on it is that I strongly objected to
24 parts of it.

25 THE COURT: No, no. Let me stop that

1 right --

2 MS. SOBEL: So, how can I -- how can we
3 reach --

4 THE COURT: This document has to be --

5 MS. SOBEL: -- an agreement?

6 THE COURT: -- something that I can read.

7 MR. YOUNG: Yes.

8 THE COURT: Do you know how low that
9 standard is?

10 MR. YOUNG: Yes. No, I don't know how
11 long that standard --

12 THE COURT: It's very low. There aren't
13 a bunch of attachments to anything. There isn't a
14 reference that I have to go look at footnote 42 and
15 refer to something that I'm never going to read.
16 Everything is in this document and it is really
17 understandable, so I, as a good beer drinking American,
18 can pick that up and read it. Get it?

19 MR. YOUNG: Yes.

20 THE COURT: This is not for lawyers. So,
21 attachments -- I don't even know what those are. No. I
22 don't read attachments. I don't even read footnotes.

23 MS. SOBEL: Here's -- here's the --

24 THE COURT: Now, go -- why don't you go
25 back --

1 MR. YOUNG: Why don't we discuss --

2 THE COURT: I think we've done enough
3 talking. Let's see --

4 MR. YOUNG: Yeah.

5 THE COURT: Like the governor said, it's
6 time.

7 MS. SOBEL: Here's the other question
8 that I have. Okay. And this is based on our experience
9 in Orange County. And there was no city at this table
10 that is in Los Angeles county that is not independent
11 like Los Angeles city. Okay. So, none of them are
12 near.

13 THE COURT: Sure.

14 MS. SOBEL: So, the difficulty that has
15 occurred in Orange County, that -- and Michele is gone,
16 but -- or, I think -- but we discussed this when the
17 Court raised it a couple of times. And the cities in
18 Orange County have raised it as well. Is they are
19 opening shelters. They are trying to get to a number so
20 that they can leverage enforcement. And the problem is
21 they're spending a lot of money that they don't have.
22 So, they might have -- like, you know, Placentia passed
23 a sales tax. Good luck with that, when no one is
24 shopping.

25 And so, what they have all said -- and I

1 think this is really critical in any discussion with the
2 county, what they have all said to the Court, what
3 they've all said to Michele, what they've said to us, is
4 we can't afford to do this and we don't have the
5 commitment from the county to pay us. To fund our
6 shelters. So, there are funding issues. I -- you know,
7 I know that from both Whittier and Bellflower they got
8 some grants.

9 So, it is not so simple with the county
10 as just dealing with the people in their unincorporated
11 areas. It is what is the responsibility of the county
12 for the money that comes to the county first, in all
13 these other areas. The county gets the CDBG money. The
14 county gets the federal money. You know, we need to --
15 it comes through LAHSA, and I realize a lot of it is,
16 you know, you have to make applications. But, the
17 cities are asking those questions. Bellflower asked it.
18 They got 750,000 from the Janis Hahn [ph], and then they
19 were told they had to go to LAHSA. And, you know, we've
20 had this discussion with Fullerton and with other
21 cities, saying how is it that we get security of funding
22 for our programs. We are taking on this enormous debt
23 to address an issue that we think the county should be
24 addressing anyway, in terms of services. So, I'm just
25 saying to the Court, this is a bigger discussion than

1 just the unincorporated --

2 MR. YOUNG: Your Honor -- I hear you,
3 Carol. Let's focus on solutions. Those are problems.
4 Let's focus on what we can accomplish and then figure
5 out what else we need to accomplish after we've
6 accomplished what we know we can agree upon. So, I --
7 let's take it piecemeal. We're willing to talk. We
8 talked to you yesterday. We're willing to talk to you
9 again about what it looks -- what a settlement could
10 look like in unincorporated area. It will either work
11 for you or it won't. But let's at least have that
12 conversation and figure out what that might be.

13 MS. SOBEL: And that --

14 THE COURT: You only resolved it, and I'm
15 not -- since you brought up Orange County, you resolved
16 it through a county settlement in Orange County. It's
17 already been done. I know it's not your county, but --
18 no. Okay. What time?

19 MR. YOUNG: I mean --

20 THE COURT: Well, I'll be sitting here.
21 Go work.

22 UNIDENTIFIED MALE SPEAKER: We won't
23 start the discussion --

24 THE COURT: Go work. I'm here.

25 UNIDENTIFIED MALE SPEAKER: Yeah.

1 MR. YOUNG: Let's start now, and --

2 THE COURT: I'm here.

3 MR. YOUNG: Yeah.

4 THE COURT: Okay. I've been in session
5 to 1:15 in the morning. So, I know you don't believe
6 that, but I'm here. Tell me when you can't reach -- or,
7 you've reached --

8 MR. UMHOFFER: I mean, why don't we just
9 say, Your Honor, we'll be back to you in an hour.

10 THE COURT: No. I'm just --

11 MR. UMHOFFER: Just to let you know where
12 we are.

13 THE COURT: Don't worry about it.

14 MR. UMHOFFER. Okay. All right. Thank
15 you.

16 THE COURT: See you in five hours, if you
17 want it. Talk until you're exhausted and you've reached
18 it or you haven't. So, let's get that out of the way,
19 if we can. Let's move forward.

20 COURT REPORTER: This marks the end of
21 media number two. The time is 2:10 p.m. We're off the
22 record.

23 (Off the record.)

24 (End Media 2.)

25 (Begin Media 3.)

1 THE COURT: Back on the record, then.
2 And please, let me turn the conversation over to
3 counsel.

4 MR. YOUNG: Thank you, Judge Carter. On
5 behalf of the county, the interveners and the
6 plaintiffs, we're happy to report that we had a very
7 productive meeting. That kind of the lessons that we've
8 learned so far, of not letting the good get in the way
9 of the perfect -- or, whatever the standard --

10 THE COURT: Yeah.

11 MR. YOUNG: -- I mean, I think that's
12 been our -- other way around. That's been our guiding
13 principle.

14 MS. SOBEL: It's not a guiding principle
15 for me.

16 MR. YOUNG: Okay. Fair enough.

17 MS. SOBEL: I'm still pushing for better.

18 MR. YOUNG: Fair enough. As you should.
19 So, I like to take inventory of where we are. First, we
20 appear to be close to an agreement on the rough order of
21 magnitudes of the beds that would be needed in the
22 unincorporated area of the county, as well as agreement
23 to the general principle that there should be
24 flexibility with respect to the type of bed and the
25 location of those beds, but not at the expense of

1 creating a disproportionate level of things such as
2 rapid rehousing or interim shelter. That there needs to
3 be an appropriate mix. With respect to the term of the
4 agreement, we're going to have to have further
5 discussions on that. We didn't come to an agreement on
6 that.

7 THE COURT: The term meaning --

8 MR. YOUNG: The overall --

9 THE COURT: -- the term that the Court
10 would have --

11 MR. YOUNG: -- length -- correct --

12 MR. UMHOFFER: The length of time.

13 MR. YOUNG: Length of time.

14 MR. UMHOFFER: Length of time --

15 JUDGE BIROTTE: Two years, three years'
16 time, he's saying.

17 MR. UMHOFFER: -- which the Court would
18 supervise.

19 THE COURT: Right.

20 MR. YOUNG: With respect --

21 THE COURT: Fine, because -- can I ask
22 what the disagreement is in terms of time? Or could --
23 would that -- I'll talk to you confidentially about that
24 if you'd like --

25 MS. WEITZMAN: I think kind of vaguely --

1 we're still kind of working out the schedule and the
2 type of solutions that are coming online, and that's
3 going to impact what the timeline is. So --

4 THE COURT: It -- it's me.

5 MR. YOUNG: So, there are two issues, I
6 would say. The first -- one of the issues, as Brooke
7 indicated, is the issue of what is an appropriate
8 timeline based on the mix of housing that would be
9 provided. Right. So, for example, things like
10 permanent supportive housing have a different timeline
11 than interim shelter.

12 The other issue I think is more of a
13 fundamental question with respect to whether the
14 agreement should be -- from our perspective, consistent
15 with the length of time in the Orange County agreement,
16 versus something that's perhaps longer. And without
17 kind of taking away -- I think what -- one concern is
18 entering into an agreement where beds are made
19 available, and then reaching that goal and then losing
20 the progress and letting it drip away at the end of the
21 agreement. So --

22 THE COURT: Explain that to me a little
23 bit more.

24 MR. YOUNG: I'll let the plaintiffs
25 explain.

1 MR. UMHOFFER: The concern would be that
2 if we set a term of time and then the beds goal was
3 reached, that the question would be whether -- if the
4 bed goal was reached, so that's the Court supervision is
5 completed, or whether Court supervision continues in a
6 way to prevent backsliding. And so, the latter point is
7 a point that, I think, we've raised a former point of,
8 look, we got to the bed target, we should be good and we
9 should be out from under Court supervision might be a
10 position that a municipality would take. So, not a -- I
11 don't think that this is a deeply tense place in our
12 discussions.

13 THE COURT: What breaks that impasse?
14 Because that could go on five minutes or five hours or
15 five days from now. In other words, there's no -- what
16 breaks that so that --

17 MR. UMHOFFER: A conversation on Monday
18 afternoon where we've had time to discuss with our
19 clients and review some of these points of -- I think
20 we've got a handful of points and places where we've got
21 to go back to our clients and get more information. So,
22 Monday afternoon our plan was to convene to work through
23 those areas of, just, refinement. I don't even know if
24 they're a disagreement at this point. They weren't
25 disagreements at this point.

1 MS. WEITZMAN: Judge, we -- I don't think
2 any of us walked away saying that we see this as an
3 insurmountable barrier. I think we are --

4 THE COURT: No.

5 MR. UMHOFFER: Yeah.

6 MS. WEITZMAN: -- giving you -- we
7 elected the county to give you the outline of where
8 we're headed, and our plan for how to get there.

9 THE COURT: The reason I'm asking is also
10 some questions I'm going to have unconnected to -- and
11 this process. So, it's how many times I am bringing you
12 back for how long --

13 MR. YOUNG: Right. Yeah.

14 THE COURT: And I'm trying not to bring
15 you back, you know, for a session this much. It should
16 be meaningful, and so I've got some questions later on
17 that don't relate to you. But -- or, to the settlement.
18 So, you'll hear those in a moment.

19 MR. YOUNG: Okay. The other area where I
20 believe we have broad agreement, although the details
21 will need to be fleshed out, is with respect to what I
22 call compliance reporting. In terms of having a
23 structure that allows for sufficient communication and
24 reporting, both to the Court and through the parties,
25 with respect to the progress that's made against the

1 beds need -- what I'm calling the beds need. As well as
2 how you calculate compliance, assume -- you know,
3 because here compliance would be an objective criteria,
4 whether or not you've hit a certain number of beds. On
5 the formula piece, there is one type of element to the
6 formula relating to a specific type of bed modality,
7 rapid rehousing, and whether or not that should be
8 counted. We think we can work through those issues.
9 But in general, the concept of some type of regular
10 reporting, including what the current status is of
11 certain plans, identification of sites, that sort of
12 thing in principle makes sense to all of us.

13 THE COURT: Okay.

14 MR. YOUNG: There is a -- we're going to
15 have to have further discussions on kind of what a
16 release of liability looks like. And I'm confident
17 we'll be able to work out those issues. So, I don't
18 want to elevate it. But, it's really a question of
19 timing and scope of what the release would be,
20 recognizing that this is just the unincorporated area.

21 We also had productive -- and I think, in
22 general, broad consensus on dispute resolution
23 provisions.

24 THE COURT: Okay.

25 MR. YOUNG: We're going to have to work

1 on, kind of, the number of days. But in general, the
2 idea is for an informal and formal process, for -- of
3 dispute resolution. That would begin with a meet and
4 confer sort of process. And then the idea is from there
5 if we can't reach to compromise to elevate it to the
6 Court for adjudication. As part of that, we also have
7 agreement on what I'm calling a force majeure process.
8 And the concept of that process is in the event of
9 something unforeseen that inhibits or prevents the
10 county from meeting its bed need -- so, catastrophic
11 funding change, or litigation that is delaying our
12 ability to work. As we've seen in Project Roomkey,
13 that's certainly an issue for NIMBY type lawsuits. We
14 want to, at least, have a process that allows the
15 parties to communicate those issues, and then if
16 necessary elevate to the Court for adjudication, as to
17 whether or not it is appropriate to reduce the beds need
18 based on those changes.

19 MR. YOUNG: Okay. Good.

20 MR. YOUNG: In terms of a timeline, as
21 Matt mentioned, we have what I'm calling a touch-base
22 call at 4 on Monday. Between now and then, we will have
23 exchanged a draft settlement agreement that the parties
24 will mark up and hopefully improve based on our
25 conversations. I expect that Tuesday will be a day

1 where we have kind of more in-depth conversations with
2 respect to those markups.

3 THE COURT: Now, I'm going to be here --
4 in other words, whenever you're back in session I'm
5 going to be someplace in the building. And the reason
6 for that is if you need to reach out at that time and
7 get a thought, I don't want that to shuffle back and
8 forth needlessly. So, I'll sit out in the lobby.

9 MR. UMHOFFER: Your Honor, our intention
10 was to meet by Zoom. And --

11 THE COURT: Oh.

12 MR. UMHOFFER: -- if necessary, you know,
13 we talk to you.

14 THE COURT: Well, I'll leave that to you.

15 MR. YOUNG: And then --

16 THE COURT: I'll still be here in the
17 lobby, then. So, because you're not going to be meeting
18 by Zoom, because going back to our offices doesn't get
19 much done. So, I will be here.

20 MR. YOUNG: So, we'll discuss, kind of,
21 what that touch-base looks like, then, on Monday.

22 THE COURT: So, I'll be here Monday and
23 I'll be here Tuesday.

24 MR. YOUNG: And then, the idea is on
25 Wednesday we would provide a joint report back on our

1 progress.

2 THE COURT: I'll be here Wednesday.

3 Okay.

4 MR. YOUNG: And take it from there.

5 THE COURT: Okay. So, here, I have to
6 make myself -- okay. Let me trust you to that timeline.
7 Thank you. All right. In -- yeah, in relation to one
8 of the areas today that I formerly discussed with Marcus
9 and Carol -- and asking both of their advice -- I am
10 going to put out a minute order that's a request of both
11 the county and the city. And I'm making a request based
12 upon a timeline that you give to me, that you're
13 comfortable with. What dates do the parties believe it
14 would be possible to get the following information to
15 the Court? In aid of these ongoing settlement
16 negotiations, first -- and this does not apply to the
17 county -- first -- well, it may, in terms of services.
18 I'm sorry. First, is there an estimated timeline for
19 converting the recreational centers back to their normal
20 use as the Covid-19 pandemic deescalates? And are the
21 people currently sheltered there going to be sheltered
22 afterwards?

23 Second, do the city and county of Los
24 Angeles plan to continue and expand Project Roomkey
25 after the Covid-19 pandemic draws to a close? Is there

1 an estimate on how many people will remain sheltered in
2 the contracted hotel and motel rooms? In asking that,
3 that may be information necessary, in particular, for
4 ongoing settlement discussions with the city. But, it's
5 information that may be of value also in terms of
6 settlement negotiations with the county. I'm not too
7 certain that this is as necessary to the county, but I
8 may be wrong, as it is to the city. Because I've seen
9 your confidential brief, and there's a way of wording
10 that that wouldn't preclude, I think, a settlement with
11 the county and unincorporated areas. I think it does
12 make a difference in terms of our discussions with the
13 city. And so, I'm very humbly asking a timeline that
14 you're comfortable with, and then I'll insert that into
15 my request. So, why don't I leave the room so you can
16 literally discuss that amongst yourselves, instead of
17 moving all of you. And -- while you've got other people
18 here who aren't connected to this.

19 MR. UMHOFFER: Not really.

20 THE COURT: Not really? Okay. If you --
21 I don't care. Well, why don't I review them so we all
22 -- you can have that discussion. But I'd like a date,
23 you know, in consulting with you, so I don't drive that
24 too quickly. I recognize there's some disadvantages
25 that could occur. I think the council would have to

1 meet. The mayor ought to be apprised of this, Marcus,
2 if you'd be so kind, since Christina isn't here, that
3 question -- maybe we would just step out. Let's go.
4 And then I think you can -- so, we'll be outside. Why
5 don't you summon on? No, their discussions are off the
6 record. Yeah.

7 COURT REPORTER: This marks the end of
8 media number three. The time is 5:34 p.m. We are off
9 the record.

10 (Off the record.)

11 (End Media 3.)

12 (Begin Media 4.)

13 THE COURT: Yeah, on the record.

14 MR. YOUNG: Friday this week.

15 THE COURT: Huh?

16 MR. YOUNG: Friday? Next week. A week
17 from tomorrow.

18 THE COURT: A week from tomorrow.

19 MR. YOUNG: We'll have the answers.
20 We'll have -- we'll be able to tell you how soon we can
21 have the answers to the questions you --

22 THE COURT: Okay. Friday, a week from
23 tomorrow. Excellent. I'll put that --

24 MR. MARCUS: But then, Your Honor, we had
25 a discussion of how would you like that information

1 communicated? Our -- I'll tell you my concern. We are
2 trying to --

3 THE COURT: Let us talk about it.

4 MR. MARCUS: Okay.

5 THE COURT: Let us talk. Because we've
6 got to work out the entire thing. Could we talk for
7 just to --

8 UNIDENTIFIED MALE SPEAKER: Sure.

9 UNIDENTIFIED FEMALE SPEAKER: Here we go.

10 COURT REPORTER: Off the record. This
11 marks the end of media number four. The time is 5:57
12 p.m. We are off the record.

13 (Off the record.)

14 (End Media 4.)

15 (Begin Media 5.)

16 THE COURT: All right. After discussing
17 this with the parties, the parties believed it would be
18 in the best interests of their clients and all parties
19 to have this submitted to the Court confidentially next
20 Friday. And can I say --

21 MS. MITCHELL: Can I make a request on
22 that, Your Honor?

23 THE COURT: Pardon me?

24 MS. MITCHELL: I appreciate the
25 conversation. And I was not part of it. My concern is

1 just having sufficient notice, if people are going to be
2 discharged from rec centers and hotels, just from our
3 perspective.

4 THE COURT: Why don't you have a
5 conversation, then, for just a moment? You might have a
6 better understanding.

7 MS. MITCHELL: Sure.

8 THE COURT: Because all of this will
9 eventually become public.

10 MS. MITCHELL: Sure. Will do. Thank
11 you.

12 THE COURT: And I think you can --

13 MS. MYERS: We'll just join that one --

14 THE COURT: -- have that conversation,
15 that --

16 MS. MYERS: -- to prevent this from
17 happening. We have the same questions.

18 THE COURT: And I think you'll --

19 MS. MYERS: We appreciate the
20 confidentiality. We just want to be --

21 THE COURT: Yeah. I, I think you're
22 going to like what's happening.

23 MS. MYERS: Your Honor, they decided they
24 don't want to share with us. So, they're going to share
25 with you and then we'll share --

1 THE COURT: I can't hear you.

2 MS. MYERS: They decided that they don't
3 want to share it with the interveners or the plaintiffs.
4 That they're going to share it with you and not with us,
5 and that's their prerogative --

6 THE COURT: Okay.

7 MS. MYERS: -- unless you say otherwise.

8 THE COURT: I'll initially make it
9 confidential, as represented by the parties to the
10 Court. There's some very good reasons I find for that
11 initially. Eventually this will be made a public
12 document, and as such -- Monday, what time will you be
13 here? Because I'll either join you or be available to
14 you. But, I will be here -- what time are you meeting
15 with each other?

16 MR. UMHOFFER: Do you want to see -- so,
17 Your Honor, I think the plan would be for us to be here
18 Tuesday. You're here Tuesday. We're all here Tuesday.
19 Is that --

20 THE COURT: Well, I'm going to be here
21 whenever you're meeting. Even if you decide to meet by
22 Zoom, I'm going to be here. So --

23 MR. YOUNG: Okay.

24 MR. UMHOFFER: We'll be here on Tuesday.

25 THE COURT: Tuesday?

1 MR. UMHOFFER: Yes.

2 THE COURT: Okay. Tuesday. So, what
3 time would you like me here?

4 MR. UMHOFFER: Did we -- I don't know that
5 we --

6 MR. YOUNG: We didn't discuss a time.

7 MR. UMHOFFER: All right. Let's take a
8 look at 1 p.m.? I want to say 1 p.m.

9 MR. YOUNG: I would recommend we do it in
10 the morning, in -- if that's agreeable to people. And I
11 will say --

12 THE COURT: So, what time?

13 MR. UMHOFFER: 10 a.m.

14 THE COURT: Ten?

15 MR. YOUNG: 10 a.m.

16 THE COURT: 10 a.m. See you at 10 a.m.

17 MR. YOUNG: And Your Honor, one element
18 of this that I will just ask is me -- and I have trouble
19 hearing in this room. And --

20 THE COURT: Trouble what?

21 MR. YOUNG: Hearing.

22 THE COURT: What?

23 MR. YOUNG: What?

24 THE COURT: I am too. It's not --

25 MR. YOUNG: Yeah.

1 THE COURT: -- it's the echo.

2 MR. YOUNG: So --

3 THE COURT: I can't --

4 MR. YOUNG: So, the -- and since it is
5 going to be kind of a negotiation, perhaps if we could
6 have it at county council's office. We have a large
7 room. On the seventh floor.

8 THE COURT: Sure. I'll be here. You go
9 wherever you want to.

10 MR. YOUNG: Okay.

11 MR. UMHOFFER: We can also host. We have
12 several breakout rooms --

13 MR. YOUNG: Okay.

14 MR. UMHOFFER: -- at our downtown office.
15 So --

16 MR. YOUNG: Okay.

17 MR. UMHOFFER: -- we can meet there.

18 MS. BLACK: Okay. So, we can confer
19 further on that. Because I requested it, but it's after
20 5. So, I don't have a response back from the
21 availability. Because it's also a board meeting.

22 MR. UMHOFFER: Our office is good.

23 MR. YOUNG: So, the point is it may not
24 be here. It may be somewhere else.

25 THE COURT: That's fine.

1 MR. YOUNG: But it's going to happen.

2 THE COURT: Sure. I'll be here, or
3 taking a walk or going over to the federal court or come
4 back or whatever. But I'll be here at 10:00.

5 MR. YOUNG: Okay.

6 THE COURT: Or whatever time you
7 potentially need me. And then Wednesday, we'll have a
8 status conference at what time?

9 MR. UMHOFFER: I think the plan was
10 Tuesday would be -- that Tuesday --

11 THE COURT: Tuesday.

12 MR. UMHOFFER: -- we were combining, sort
13 of, Monday and Wednesday on Tuesday.

14 THE COURT: Oh, okay.

15 MR. UMHOFFER: So --

16 THE COURT: So, why don't I simply set
17 this for a status conference --

18 MR. YOUNG: No.

19 MR. UMHOFFER: No.

20 MR. YOUNG: No, I think we will -- we'll
21 provide an update -- I think we had discussed Wednesday
22 at noon.

23 MR. UMHOFFER: Yeah. I'm sorry. I
24 misunderstood our conversation, then.

25 MR. YOUNG: Yeah.

1 THE COURT: Okay.

2 MR. YOUNG: Okay.

3 THE COURT: So, status conference here,
4 and I'll schedule the court reporter, then, for noon,
5 please.

6 MR. UMHOFFER: So, Wednesday at noon?

7 THE COURT: Wednesday at noon.

8 MR. UMHOFFER: Wednesday at noon for
9 status conference here.

10 MR. YOUNG: Yeah. Yeah.

11 MR. UMHOFFER: Tuesday at 10 a.m. for
12 discussions.

13 MR. YOUNG: Discussions.

14 MR. UMHOFFER: Okay.

15 MR. YOUNG: Yeah.

16 THE COURT: Okay. Now, is there anything
17 that you need from us to aid your efforts? Or better
18 just --

19 MR. UMHOFFER: We'll let you know.

20 THE COURT: Okay. Let me know Tuesday.
21 All right, then. There were a number of other things,
22 but I don't think they're that critical. But I think
23 Elizabeth --

24 MS. MITCHELL: Yes. I just wanted to
25 address this -- the parking issue on the south Los

1 Angeles site. I wanted just to make it very clear what
2 our position was. Because we had -- after we agreed to
3 749 South Los Angeles Street, several details came out
4 that made it clear to us that it was not an appropriate
5 site. And I think the most important of those is the
6 safety issue. You have significant construction
7 happening next door. You have steel beams being lifted
8 onto roofs and that kind of thing, in addition to other
9 concerns.

10 And so, we had been -- for the Court's
11 edification, we had been -- I think just a couple days
12 later, on that Sunday, letting council know that we no
13 longer thought that it was an appropriate site, and
14 asking for negotiation of alternatives. There was no
15 negotiation. By last Thursday a week ago, we officially
16 emailed the parties and said we object to this site, we
17 don't think that this is an appropriate site. As for
18 negotiation on the other sites, I was told no,
19 essentially. There was no negotiation on alternative
20 sites that we provided.

21 And so, what I just wanted to put on the
22 record is that we are not a party to that agreement,
23 that there is no agreement. And the reason I felt it
24 was important to put this on the record was because
25 there are some folks talking to me that have also spoken

1 to the mayor's office -- just so you know, Scott -- and
2 they're being told by the mayor's office that the
3 mayor's office didn't want to proceed with this site but
4 they felt like they couldn't -- they didn't have a
5 choice, because it was the parties' agreement. And so,
6 I wanted to be very clear that it is not deemed suitable
7 to the parties' agreement. We have withdrawn that
8 agreement. That agreement was done only in the -- as an
9 alternative to the Maple Street location, which is now
10 an option. There are a lot of other options downtown we
11 think are better.

12 I just actually was over on the 16th
13 Street, talking to a couple folks that were living in
14 the RVs. I asked them if you had a choice, if -- to
15 live downtown -- you know, downtown next to a busy
16 building or in, sort of, an empty lot in an industrial
17 area, where would you choose. And they said we want to
18 be in an empty lot in the industrial area. We don't
19 want to be downtown next to a busy building. And so, I
20 just wanted to be very clear that whatever is happening
21 is not pursuant to an agreement by the parties, that if
22 the city wants to move that location to an alternate
23 location, I mean, it's the city's property, it's -- the
24 city needs to do that. But wanted to be very clear on
25 the record that what is happening is not done pursuant

1 to an agreement, because of the reasons we have
2 identified. We don't think that it was appropriate.

3 MS. MYERS: I mean, Your Honor, I don't
4 think it's fair to say that we would not negotiate with
5 them about additional sites. We're happy to have a
6 conversation about additional sites. Because there is a
7 huge need, as identified by all of the parties. So, we
8 are more than happy to have a conversation about the
9 appropriateness of the other two sites.

10 THE COURT: Okay.

11 MS. MYERS: I think our challenge is all
12 of the parties had a thoughtful conversation about the
13 749 Los Angeles site, and our concern is that the
14 concerns that were articulated by LA Alliance were the
15 types of concerns that if they derail every agreement --
16 or, if they derail this agreement --

17 THE COURT: Yes.

18 MS. MYERS: -- they will derail every
19 agreement. The suggestion that we've heard, from
20 letters submitted to the Court and also from LA
21 Alliance, that the property is not appropriate for
22 unhoused folks because it's in a bustling downtown area
23 next to residential buildings is really problematic to
24 us. Because unhoused folks are people, and they need to
25 be in places that are fit for habitation. And the

1 suggestion that they shouldn't live in places that are
2 residential areas is extremely problematic. People
3 should be living in residential areas. So, that's our
4 position on it. We all reached an agreement on it, and
5 we didn't think that the justifications that were
6 provided were appropriate. We agree that the site may
7 not be the best location for the folks that apparently
8 Ms. Mitchell has engaged with. Other people can come
9 into that site, though. Right. We've always said we
10 just need to build more. More of everything. And this
11 is more.

12 MR. MARCUS: So, Your Honor, on behalf of
13 the city, we all -- all the parties made an agreement
14 with the Court at the Court's insistence to set up the
15 RV parking at this location. And the Court asked for it
16 to be done in a very quick time frame, and we made the
17 promise to do it in that time frame, which was 30 days,
18 which I think you heard from both Ms. Miller and Ms.
19 Marston that's moving heaven and earth to set up a
20 parking situation in that time frame.

21 And the city started immediately
22 investing quite amount of time, quite amount of effort,
23 a lot of staff time, that could be used in other places
24 as well, but we have decided a tremendous number of
25 resources to getting this done in the time frame that we

1 promised the Court it would be done.

2 When the LA Alliance withdrew its
3 agreement, and asked us to engage in other sites, the
4 city's response was we all had an agreement with the
5 judge to set this up. And until we all agree and the
6 judge agrees on a different location, we're going to
7 keep going. Because that is what we agreed to do, and
8 that is what we promised you that we were going to do.
9 Now, if the Court wants us to switch gears and move
10 someplace else, we can do that. It will be a slight
11 waste of resources and time and maybe some frustration,
12 but if the Court wants us to look elsewhere we will look
13 elsewhere. But the agreement we made two weeks ago was
14 to set it up here. There's what we promised you we
15 would do. And until you tell us otherwise, that's what
16 the city is going to continue to do.

17 THE COURT: Okay. Just one moment.
18 Yeah. We had previously had a discussion, because we
19 knew a little bit about the concerns taking place. And
20 I'm simply going to leave that to the parties. And I
21 think that this is potentially the beginning of a lot of
22 sites that are going to be needed. I think we'll just
23 leave it at that for the time beginning. Thank you.

24 MR. MARCUS: Thank you.

25 MS. MYERS: Thank you, Your Honor.

1 THE COURT: Now, is there anything
2 further this evening? Okay. Marcus, anything? Good?
3 Good?

4 MR. MARCUS: We're good.

5 THE COURT: All right. Good. Thank you
6 so much.

7 COURT REPORTER: The time is 6:18 p.m.
8 We're off the record.

9 (Whereupon, at 6:18 P.M., the proceeding
10 was concluded.)
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CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

AUSTIN CHE

Notary Public in and for the
State of California

CERTIFICATE OF TRANSCRIBER

I, JANE W. GILLIAM, do hereby certify that
this transcript was prepared from the digital audio
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transcript is a true and accurate record of the
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ability; that I am neither counsel for, related to, nor
employed by any of the parties to the action in which
this was taken; and, further, that I am not a relative
or employee of any counsel or attorney employed by the
parties hereto, nor financially or otherwise interested
in the outcome of this action.

A handwritten signature in black ink, appearing to read 'Jane W. Gilliam', with a stylized, cursive script.

JANE W. GILLIAM

[& - 75]

&	88:20 134:21	205-6520 2:8	5,600 85:1
& 2:4,11 3:4	136:25 137:5	209 98:5	50 94:2 95:9,15
0	15,000 15:8 107:6	213 2:8,23	133:13
00155 9:3	150 85:14	23 102:13,13	500 47:22 96:11
02291 1:7	16 48:3 64:4	145:21	97:13
1	16th 27:12,18 28:6	24 13:9 15:10 77:7	500,000 99:2
1 23:7 48:12 68:5	79:5 170:12	127:1	501 1:16
84:8 111:10 165:8	17 59:2 62:3 64:2	25 15:12 137:1	505 15:11
165:8	17929 176:14	280,000 80:2	56 85:22 106:24
1,500 85:3 101:1	18 9:3 70:21 72:7	2:00 26:14	5:34 161:8
10 9:12 28:6,6,25	72:21 130:6	2:10 150:21	5th 131:17,20
30:11 34:15,18	19 48:7 57:2,3	2:20 1:7	6
37:4 57:25 62:22	73:8 83:10,16	3	6 59:25
100:22 109:19	84:7 85:17 86:25	3 96:13 150:25	60 9:15 10:2 80:8
165:13,15,16,16	87:16 127:15	161:11	82:17 83:3 84:11
168:11	128:15 159:20,25	30 15:21 93:15	105:16,18 106:6
10,000 85:5 107:4	1990s 89:3	123:2,4,7 172:17	122:20,21 123:22
100 47:25,25 63:5	1:15 150:5	300 28:16 59:20	123:24 125:6,23
95:12 99:24	2	66:13 72:2,6,8,19	133:12 138:11
101 90:22	2 68:6 150:24	73:7 127:17 129:6	600,000 100:13
105 111:11 112:11	2,700 15:13	300,000 80:3	61 84:11 89:8
108,000 50:13	20 15:20 30:25	310 2:15 3:8	617 2:5,12
10:00 16:10 167:4	31:2 49:3 52:19	312-4181 3:8	62 84:19
10:03 1:13	57:25 59:21 61:17	360 84:7	63,000 84:19
110 111:10 112:11	61:18 62:1 65:16	4	65 74:12,25
11355 3:5	65:19 66:15,15	4 157:22 161:12	650 84:4
11:15 68:2	69:3 72:7 76:4	162:14	67 114:18
12 85:9	88:20 109:18	4,900 91:10,12	6:18 174:7,9
121 90:24	200 2:5,12,20	400 101:6	7
129 89:15,18 90:25	65:16	405 34:19	7 1:12 27:9
91:1	2000 88:12	4107129 1:19	7,000 85:5
130 85:13	2005 32:18,19	42 12:3 146:14	7,600 91:3,16
138 109:2	33:15 49:9 53:10	450 15:14	102:8
13th 33:14	2008 87:4	4:00 28:2	70 9:15 10:2
14 83:1	2013 20:2 117:24	4th 42:16	105:16,18 138:11
148 111:7,22	2016 23:9	5	700 2:20
112:16 120:17,20	2017 136:24 137:3	5 9:12 10:6 76:5	710 87:23
15 14:23 25:16	2019 107:3	105:14,15 136:24	749 169:3 171:13
39:2,20 48:24	2020 1:12 85:11	162:15 166:20	75 105:19
83:1 85:15 87:14	88:22		

[75,000 - ago]

75,000 67:13 87:15 130:15 750,000 148:18 76 25:8 7th 2:5,12	156:17 161:20 abrasive 13:8 abrupt 13:7 absolute 25:13,21 26:1 53:25 absolutely 6:18 96:2 98:18 101:25 112:17 119:24 135:13 144:25 145:21 absorbed 138:1 absorbing 39:6 abuse 10:22 accept 9:1 33:10 33:13 acceptable 49:9 125:23 acceptance 7:7 accepting 26:21 26:21 accepts 23:14 access 77:7,11 accommodation 10:7 accomplish 50:24 54:20 78:16 100:18 106:8,9,11 149:4,5 accomplished 9:11 149:6 accomplishes 53:14 account 56:11 accurate 175:8 176:5 achieve 12:22 14:6 18:11 achieving 16:7 acquire 13:22 acquired 15:11	acre 31:5,10 38:13 acres 27:21 38:10 act 80:6 112:1 120:20 acted 112:17 action 11:16 13:2 13:4,14 21:6 48:10 59:7 109:7 109:15 110:4 136:16 175:11,15 176:8,12 actions 23:10 active 8:11 19:9 134:23 activity 136:8 actors 110:6 actual 111:5,6 ada 77:12 add 92:13 136:12 140:22 added 15:14 77:25 addiction 21:5,11 21:19 96:5,9 adding 61:19 73:24 addition 169:8 additional 41:11 171:5,6 address 13:2 20:22 21:7,10,10 23:6 69:19 88:23 118:23 124:16,25 125:4,17,22 148:23 168:25 addresses 118:21 addressing 13:15 16:5 121:18 125:15 148:24 adequate 20:24 77:13 93:2,3,4	adequately 21:7 75:19 adjudication 157:6,16 admit 97:24 98:1 106:1 adoption 99:23 advantage 22:18 24:22 105:5 108:18,21 110:11 advice 159:9 advocate 59:12 109:20 advocate's 109:13 advocates 6:22 7:9 16:3 26:25 49:2 49:22 54:10 76:14 103:18 104:21 111:23 112:13 122:25 139:19 140:10,20 143:14 143:17 affirmative 6:20 affluent 22:14 afford 84:20 87:7 130:23 148:4 affordability 86:3 affordable 20:16 85:4 86:14 affront 24:11 afraid 12:5 51:16 afresh 82:1 afternoon 154:18 154:22 age 74:14 133:7 agencies 28:11 32:24 78:21 agency 35:17 54:25 ago 44:9 49:3 73:23 81:11 84:5
8			
8 12:2 80 105:19 800 133:9 136:19 137:4 826-4700 2:15 840 108:9 850 108:9 853 108:10 120:17 853.6 113:24 853.6. 118:13 87 15:10			
9			
9 48:24 90 138:14 900 15:10 90013 1:17 90017 2:6,13 90064 3:6 96 106:22 978-4681 2:23			
a			
a.m. 1:13 68:2 165:13,15,16,16 168:11 abandoned 10:21 abide 69:15 113:23,24 ability 6:5 157:12 175:9 176:7 able 9:18 18:11,14 21:11 26:5 30:25 33:6 35:11 57:5 57:15 71:16 75:17 84:20 85:19			

[ago - appropriate]

<p>113:11 115:5 117:15 136:16 169:15 173:13 agree 52:6 55:5 56:5,7 57:4 59:17 63:4 74:21 78:9 94:9 118:21 143:4 143:7,22 149:6 172:6 173:5 agreeable 165:10 agreed 49:14 55:24 69:14,18,24 131:9 169:2 173:7 agreement 7:18 8:5 13:16 16:19 27:24 32:18,19 44:3 57:2,4 66:2 68:11,12 69:5 81:9 82:3 108:8 118:20 139:5 146:5 151:20,22 152:4,5 153:14,15 153:18,21 155:20 157:7,23 169:22 169:23 170:5,7,8,8 170:21 171:1,15 171:16,19 172:4 172:13 173:3,4,13 agreements 9:8 10:1 16:9 73:21 108:3 agrees 173:6 ahead 51:21 81:18 113:16 aid 3:20 89:5 115:20 159:15 168:17 air 91:16 airport 75:11 76:18</p>	<p>airports 73:17,22 77:24 102:21 al 1:5,8 alameda 101:20 101:21 alexandria 1:15 alleyways 141:7 141:12 alliance 1:4 54:9 67:3 82:15 144:15 171:14,21 173:2 allow 48:11 allowed 13:17 29:3 33:21,23 34:3,8,19,22 86:17 116:4 allowing 11:3 allows 23:21 44:4 155:23 157:14 allure 63:11 alternate 170:22 alternative 55:23 56:2,14,15 57:15 169:19 170:9 alternatives 16:6 57:6 169:14 amazingly 105:24 amenable 113:9 america 25:13 100:15 american 146:17 amount 48:18 77:19 88:18 90:17 90:18 98:17 101:10 124:17 125:20 133:15 135:25 172:22,22 amy 91:5,23 92:11 93:3 95:18 99:13 103:1</p>	<p>ana 101:10,12 106:21 anaheim 106:22 andre 3:11 136:15 angelenos 22:5 angeles 1:8,17 2:6 2:13,17,19,21 3:2 3:6,13,14,17,18,19 3:20 8:4,19,19,20 8:20 13:4 14:11 14:20 16:6 23:5 23:18 24:13,16 27:12 34:19 35:14 61:16,22 78:24 79:5 81:18,22 82:18,25 84:2 88:15,15 89:3 104:12 106:13 107:3,11 114:22 115:8 128:17 130:17 133:12 139:25 147:10,11 159:24 169:1,3 171:13 angeles's 12:3 angry 104:1 answer 6:11 27:4 30:6 32:5 37:11 39:12,13 41:18 42:7 47:6 50:3,4,5 65:23,24,25 72:11 75:4,4 95:7 134:8 135:19 144:11,12 answered 47:1 answers 29:12 47:6 161:19,21 anticamping 121:8 anxious 47:24 anybody 6:10 15:16 78:13 83:22</p>	<p>123:9 anymore 92:17 anytime 21:8 105:9 anyway 14:2 131:1 148:24 apartment 84:18 89:10 apologize 13:8 109:3 apparently 172:7 appealed 122:17 appear 90:3,8 151:20 appearance 127:14 applications 148:16 applied 115:11 apply 159:16 appreciate 8:1 9:5 24:19 44:13 47:7 68:18 162:24 163:19 appreciation 47:3 appreciative 7:2 apprised 161:1 approach 13:15 17:17 50:23 73:15 73:18,19,20,25 74:3,7,22,22 75:13 76:2,16,23,25 77:1 77:20 78:3,4,10 84:11 85:18,25 88:3 131:7 137:22 142:11,11 approaches 73:24 approaching 74:8 appropriate 112:1 152:3 153:7 157:17 169:4,13</p>
--	--	---	--

[appropriate - based]

<p>169:17 171:2,21 172:6 appropriateness 171:9 approval 42:9 approved 23:8 118:1 arduous 8:21 9:7 area 37:7,19 38:23 45:10 66:4 109:13 112:13 142:25 149:10 151:22 155:19 156:20 170:17,18 171:22 areas 11:20 39:22 40:20,20,23,25 99:19 101:18 104:3 119:17 122:4 143:3 148:11,13 154:23 159:8 160:11 172:2,3 argued 74:16 141:4 argument 127:8 129:14 140:3 army 131:17 arrest 105:9 107:16 108:25 113:7,13 117:18 118:4,22 121:22 122:1 arrested 109:1,8,9 109:14 119:1 arresting 109:17 117:22 arrests 112:8 120:2 121:18 135:25 arrive 90:5</p>	<p>arrived 27:25 articulated 57:10 126:8 171:14 asbestos 128:12 129:9 aside 106:22 asked 68:8 148:17 170:14 172:15 173:3 asking 29:20,25 31:25 44:11 51:8 60:11 62:7,7,8 63:23,24 64:25 65:1,3,4,13 66:8 66:18 74:7 95:9 132:17 141:19 148:17 155:9 159:9 160:2,13 169:14 aspect 133:16 aspirational 113:6 assembly 48:10,11 assemblyman 129:1 assess 71:3,9 assessment 69:12 asset 79:20 80:3 assistance 21:19 assisting 56:15 assume 42:15 62:3 74:4 76:14,15 104:8 105:7 134:11 156:2 assuming 145:8 assumption 55:2 assumptions 69:8 69:10 70:25 71:1 assure 6:10 astounded 18:6,9 astounding 98:8</p>	<p>atmosphere 113:14 attachments 146:13,21,22 attest 7:4 attitude 111:5,5,6 attorney 175:13 176:10 attract 101:1,18 attractive 140:6 audio 175:7 176:3 austin 1:18 175:2 175:17 authority 3:15 37:10 112:1 availability 166:21 available 30:15 35:9,13 37:19 38:7,8,15 52:12 72:9,12 85:20 92:10 127:17,20 128:13 130:5 153:19 164:13 average 41:9 49:4 135:18 avoiding 21:15 aware 32:20 36:7 145:13,15 awful 138:23</p>	<p>77:24 80:16 84:13 88:7 89:2 90:19 90:20 99:7 108:14 111:19 112:13 114:8 117:7,21 118:23 123:8 127:11 130:20 133:21 134:5 141:18 142:7,17 146:25 150:9 151:1 154:21 155:12,15 158:4,7 158:18,25 159:19 166:20 167:4 backbreaking 103:15 background 96:12 backsliding 154:6 backwards 105:14 bad 47:6 83:11 85:24 88:5 108:4 110:6 114:24 117:5 134:16 baffled 28:2 bag 123:22 bail 90:7 ballroom 1:15 band 89:5 barged 129:1 barger 15:1 133:3 barrier 126:22 155:3 barriers 18:16 107:18 base 91:13,14 96:15 157:21 158:21 based 61:24 71:11 71:16 73:14,16,18 73:20,24,25 74:6 74:15,21 75:13</p>
		<p>b</p>	
		<p>b 4:7 baby 27:12 38:1 52:22,25 67:21 back 5:5 14:6 17:4 26:18 30:23 40:12 45:6,25 59:5,21,25 60:14 63:21 64:6 66:21 68:7,8 69:6 69:11,22 70:1,8 71:12,15 77:22,23</p>	

[based - bringing]

76:13 77:20 78:3 142:11 147:8 153:8 157:18,24 159:11 basic 13:12 69:5 basically 8:3 basis 52:19 89:14 127:9 133:17 bdyoung 3:7 beach 101:12 114:18 beacon 38:23 47:22 beams 169:7 becoming 85:14 bed 10:19 91:21 126:17 129:7 151:24 154:4,8 156:6 157:10 beds 47:25 128:22 129:2 136:19 137:4 151:21,25 153:18 154:2 156:1,1,4 157:17 beer 146:17 beginning 13:25 14:25 19:10 38:24 65:21 68:16 119:14 173:21,23 behalf 2:2,17 3:2 67:2 103:16 151:5 172:12 beings 76:4 belief 105:11 believe 6:6 9:25 14:17 30:16 40:11 43:12 78:25 82:17 105:25 112:23 119:7 129:3,10,11 129:11 133:5 134:9 150:5	155:20 159:13 believed 103:12 162:17 believing 100:17 bellflower 8:2 148:7,17 belongings 20:23 77:6 111:4,17 124:17 126:9,13 126:20 bench 114:18 benefit 113:17 119:9 berzon 79:6 best 71:18 80:3,17 81:7 83:19 103:13 131:4 140:17 162:18 172:7 175:9 176:6 bet 99:6 better 10:8 12:7 13:22 28:9 50:16 51:10 53:5,8 54:18 76:3 78:10 78:14,14 81:6 82:9,10 100:23 103:9 113:11 119:9 138:4 140:12 151:17 163:6 168:17 170:11 betterment 9:17 bettors 136:4 beyond 37:20,23 bias 97:23 100:17 106:1 biased 97:25 98:1 bicker 9:13 bicycle 123:21,25 125:25	bicycles 125:24,25 big 11:18 18:1 25:22 34:7 104:11 106:25 132:14 135:3,3 bigger 80:2 94:17 141:6 148:25 biggest 58:25 bike 125:6 bill 48:11 135:17 billion 23:7 84:8 85:23 billions 132:5 bipolar 74:16 75:1 birotte 3:11 5:3,25 13:18 15:4 16:20 17:7,9 26:2,11,12 63:25 66:24 103:21 152:15 bit 5:4 51:10 65:18 68:20 112:21 129:12 136:25 137:20 153:23 173:19 black 3:12 12:2 22:12 24:11 115:1 166:18 blanket 90:20 block 47:22 140:2 blood 73:14 blowing 49:9 blue 109:25,25 blunt 18:12 132:22 board 15:2 98:7 117:25 118:17 134:22 166:21 bodied 75:17 bogged 10:5 boise 79:1,2,2 80:2 139:15,16,18,19	bold 27:14 bolder 27:15 boldness 38:5 bomb 5:17 bombshell 73:13 bond 23:8 bonin 79:23 80:3 82:5 84:1 115:7 115:22 bonin's 105:3 bono 115:16 book 113:12 118:5 118:7 bought 87:5 94:2 131:15,17 boulevard 3:5 bound 17:3 75:3 boundaries 32:24 boxes 93:25 brandon 3:3 86:3 breach 16:4 break 18:15 92:4 96:21 142:19,24 breaking 16:8 81:12 breakout 166:12 breaks 154:13,16 bridge 47:24 48:1 136:19 137:1,2 brief 7:11 19:23 160:9 bring 10:9 14:21 93:16 98:12,13 100:5,9 121:21 123:20,21 124:17 125:13,21 126:11 126:20 134:1 138:22 155:14 bringing 12:16 97:1 117:9 155:11
--	--	---	---

[broad - central]

<p>broad 80:6 155:20 156:22</p> <p>broken 18:12</p> <p>brooke 3:23 8:12 62:13 100:24 109:2,4,6 110:12 110:15,20,24 111:13,18,19 112:18 121:2 153:6</p> <p>brother 11:13</p> <p>brought 8:14 66:15 74:20 92:3 97:16 149:15</p> <p>brown 22:12 24:12 115:1</p> <p>brunt 39:6</p> <p>budget 89:22 141:12</p> <p>build 83:12 84:23 87:11,21 96:3 136:19 137:4 140:4 172:10</p> <p>building 12:14 22:3 96:22 131:14 131:17 158:5 170:16,19</p> <p>buildings 94:20 131:15 132:3 171:23</p> <p>buildup 127:24</p> <p>built 18:9 125:4</p> <p>bulinski 42:18</p> <p>bulky 16:16 104:5 122:13,14 138:13 140:24</p> <p>bunch 97:16 110:6 146:13</p> <p>burden 21:13</p> <p>bureaucracy 47:23 48:14 49:1</p>	<p>bureaucratic 18:8 41:24</p> <p>buscaino 3:13 14:12 23:2 38:24 47:17 56:22 58:3 58:5,8 105:1,6 124:5 129:24 130:2,5,12</p> <p>business 102:3</p> <p>bustling 171:22</p> <p>busy 11:25 170:15 170:19</p> <p>byron 3:18</p> <tr> <td>c</td><td rowspan="2"> <p>c 2:1 3:1 5:1</p> <p>calculate 156:2</p> <p>california 1:2,17 2:6,13,21 3:6 10:17 12:21 13:1 175:19</p> <p>california's 11:11 12:14</p> <p>californians 10:25 11:3 12:2</p> <p>call 6:7 10:13 11:16 13:2,4 15:3 15:9 26:10,11,18 38:1 39:22 41:25 42:4,18 48:6 63:23 64:7 73:14 73:18,23 74:2,3 76:2 84:16 104:23 108:20 109:25 119:15 145:20 155:22 157:22</p> <p>called 42:19 48:5 78:24 86:3 104:12 112:9,25</p> <p>calling 12:20 17:17 35:5 156:1 157:7,21</p> </td></tr> <tr> <td></td></tr>	c	<p>c 2:1 3:1 5:1</p> <p>calculate 156:2</p> <p>california 1:2,17 2:6,13,21 3:6 10:17 12:21 13:1 175:19</p> <p>california's 11:11 12:14</p> <p>californians 10:25 11:3 12:2</p> <p>call 6:7 10:13 11:16 13:2,4 15:3 15:9 26:10,11,18 38:1 39:22 41:25 42:4,18 48:6 63:23 64:7 73:14 73:18,23 74:2,3 76:2 84:16 104:23 108:20 109:25 119:15 145:20 155:22 157:22</p> <p>called 42:19 48:5 78:24 86:3 104:12 112:9,25</p> <p>calling 12:20 17:17 35:5 156:1 157:7,21</p>	
c	<p>c 2:1 3:1 5:1</p> <p>calculate 156:2</p> <p>california 1:2,17 2:6,13,21 3:6 10:17 12:21 13:1 175:19</p> <p>california's 11:11 12:14</p> <p>californians 10:25 11:3 12:2</p> <p>call 6:7 10:13 11:16 13:2,4 15:3 15:9 26:10,11,18 38:1 39:22 41:25 42:4,18 48:6 63:23 64:7 73:14 73:18,23 74:2,3 76:2 84:16 104:23 108:20 109:25 119:15 145:20 155:22 157:22</p> <p>called 42:19 48:5 78:24 86:3 104:12 112:9,25</p> <p>calling 12:20 17:17 35:5 156:1 157:7,21</p>			

 caltrans 3:21 12:7 27:1,22 28:11,17 31:14,15,20,21 32:14 34:24 38:8 41:16,25 43:5,9,13 43:21 47:19,21 48:11 49:1,16 50:18 52:8 54:22 55:6 56:23 64:21 69:2,3,4,7,9,21,22 70:1,1,25 71:1,9 71:12,15 72:1,6,9 87:23,24 127:13 127:22 128:15 129:6 132:1 141:21 **camp** 30:5 **camping** 20:23 121:19 **camps** 35:9 **capability** 97:19 132:12 **capacity** 15:10 **capitalize** 19:22 **car** 30:10,10,13,18 **care** 7:24 10:4 47:5 49:10 51:4 66:12,15 92:16 121:21 133:14 138:15 160:21 **carefully** 39:5 **carol** 3:22 7:2 8:12 9:3 55:4 58:5 60:13 63:1,4 81:10 82:12 106:10 107:25 108:5 112:4 113:2 119:2 120:11 125:21 128:8 129:10 134:25 149:3 159:9 | **carol's** 127:19 **carry** 22:25 122:16 **cars** 11:4 **carter** 1:14 8:11 19:8,21 22:9 23:17 24:19 151:4 **case** 1:6 47:21 62:10 79:2 88:8 88:10 106:8 115:14 120:24 125:19 134:7 141:1 **cases** 118:15 121:18 **cat** 111:13 139:4 **catastrophic** 157:10 **categorized** 37:1 **cause** 12:19 79:10 104:14 **caused** 11:7 80:6 81:25 **causing** 104:3 111:2 **cdbg** 148:13 **cedillo** 96:20,20 **census** 50:13,14 80:23 **center** 8:9 75:12 76:7 83:17 123:1 **centered** 74:3 76:2 76:15,23 77:1 86:7 142:11 **centers** 11:18 15:11 40:19 76:19 83:18 102:22 122:22 127:2 159:19 163:2 **central** 1:2 |

[certain - cluster]

certain 60:25 62:20 99:18 117:3 119:22 156:4,11 160:7 certainly 36:22 44:13 50:15 55:10 62:2 85:8 121:6 145:6 157:13 certificate 175:1 176:1 certify 175:3 176:2 cetera 10:6 15:9 40:19 97:9 99:12 123:25 145:16 chafing 142:6 chair 14:11 16:2 18:18 19:5 chairing 115:7 chairs 20:6 141:4 challenge 12:20 126:14 171:11 chance 131:6 143:13,14 change 10:11 19:19 22:16 24:8 82:11 86:8 89:6 99:15 117:9 157:11 changes 36:12 157:18 charge 49:17,18 chased 50:20 che 1:18 175:2,17 cheaper 102:2 check 93:24 chew 120:18 chiefs 114:15 children 10:18 20:6 88:2 113:1	choice 98:8 99:25 111:9 127:3 170:5 170:14 choked 93:2 120:21 choose 75:2 144:12,12 145:14 170:17 chose 75:10 99:25 109:23 christina 3:19 55:25 125:4 161:2 chunk 142:19,24 circuit 79:4 124:10 circumstances 111:1 citation 90:3 114:21 citations 115:17 cite 105:9 113:25 115:25 118:6 119:5 120:13 cited 108:8 117:19 cities 11:18 83:1 104:8,20 147:17 148:17,21 citizen 49:4 135:22 citizens 9:19 136:2 city 1:8 2:17,19 3:13,17,19 7:17,21 7:22,25 8:2,4,19 8:20 14:11,21 20:2 21:3 22:25 23:3,4,5,18,19 24:2,12,15 25:19 27:23 28:11 30:16 30:16 31:21 32:19 33:9 35:13,14 36:5 37:13,17	38:9,16 39:8,18,22 40:9 41:10,24 43:5,9,12,13 44:1 44:4 45:1 46:7,12 47:20 50:17 54:11 55:24 56:1,16 59:12 61:22 69:5 69:14,18,23 70:1,8 70:19,21,24 71:10 71:15,18 73:4 74:10 76:9,20 79:14 82:3,23 84:14,18,21 86:4 86:14,16 88:14 89:18,19 98:16 104:11,13,16,17 104:22 105:4,22 106:15,20,24 107:14 108:17,17 108:18,21 109:4 110:22 114:9,11 114:13,25 115:8 117:3,6,24 118:1 118:15,16,19,22 123:2,4,18,23 125:4 127:19,24 128:4,17 129:14 130:1,8,9,17 131:8 131:14 132:2,21 133:10,12 134:11 135:1 136:4 141:6 147:9,11 159:11 159:23 160:4,8,13 170:22,24 172:13 172:21 173:16 city's 36:21 37:2 46:16 83:20 133:2 170:23 173:4 citywide 104:24 claim 110:25	clarification 62:14 70:5 clarify 121:16 139:16 140:23 class 22:12 clean 11:6 44:5 45:7 46:12 105:24 109:5,6 110:10 122:15 141:12 cleaned 21:17 119:17 120:6,10 122:16 cleaning 31:22 45:5 121:23 cleans 31:14 cleanup 20:24 109:21 110:6,14 cleanups 109:12 clear 16:7 23:25 70:18 128:13 140:5 144:24 169:1,4 170:6,20 170:24 cleared 99:21 clearly 21:4,18 23:4 client 109:11 clients 49:3 56:16 113:23 117:11 154:19,21 162:18 clinic 115:21 clinics 115:16 close 15:4,14 55:1 83:18 87:14 143:21 151:20 159:25 closely 122:2 closer 6:23 clue 62:16 cluster 51:17
--	---	---	---

[clustering - confident]

clustering 51:11 cocs 50:17 code 115:9,24 116:1 codes 80:20,20 82:8 coin 74:6 77:19 78:2,5 collaborative 107:16 colleague 23:1 colleagues 13:22 14:12,13 16:22 20:8 collective 19:12 23:12 collectively 21:16 118:19 combining 167:12 come 7:4,13 10:3 14:1,2 17:15 18:19 26:19,24 42:22 43:7 53:22 56:3 59:14 60:12 60:14 61:6 65:7 65:16 68:7,8 69:6 69:11 80:5 82:23 83:24 87:18 89:1 91:5,22 92:11 103:19 105:20,25 106:2,5 112:13 113:14 115:19 116:20,20 123:5 124:2,18,24 125:7 131:7 132:6 134:21,22 139:22 143:23 152:5 167:3 172:8 comes 69:22 70:8 110:19 123:2 148:12,15	comfort 19:20 141:19 comfortable 159:13 160:14 coming 5:16 17:20 75:24 76:16 97:4 98:7 109:11 123:15 125:19,23 127:10 134:14,14 153:2 commissioners 118:1,17 commitment 8:22 25:13,21,25 27:19 54:6 148:5 commitments 24:1 committed 20:8 committee 17:5 53:16 60:10 115:5 115:8 134:7 committing 114:17 common 9:20 communicate 157:15 communicated 162:1 communication 13:18 155:23 communities 10:23 19:18 20:18 21:14,23,25 22:1,7 22:7,13,14,17,23 24:6,7,10,12 88:1 102:18 community 9:17 9:20 12:13 23:23 55:20 100:1 company 96:11 compared 98:19	compassion 9:22 10:5 11:1 12:22 22:17 compassionate 11:2 22:10 competition 94:2 competitive 102:2 complain 112:3 complained 101:6 complaining 93:1 98:16 complaint 15:24 94:7 133:19 complete 19:25 32:21 completed 154:5 completely 76:22 113:9 complexity 28:9 28:10 compliance 155:22 156:2,3 complied 109:19 112:12 compliment 15:3 15:17,18 18:10,17 35:24 36:1 44:16 45:20,22 54:1 66:20 78:18 81:20 complimentary 18:7 compliments 40:6 40:8 comply 83:10 109:19 118:13 complying 111:3 comprehensive 58:11,13,17 59:3,6 60:12,15 61:8,15 63:9 65:9 74:8,9 74:20 75:25 76:1	76:16 86:21 comprise 12:2 compromise 157:5 computed 101:10 concentrated 11:17 concentration 22:5 concept 156:9 157:8 concern 27:3 78:12 87:7 94:22 104:3 123:11,12 123:20 126:10 153:17 154:1 162:1,25 171:13 concerned 9:13 40:14 66:21 76:21 78:1 concerning 76:1 122:8 concerns 74:12 128:12 169:9 171:14,15 173:19 concluded 174:10 concrete 10:19 condition 36:12 53:4 62:17 74:15 conditioning 91:17 conditions 19:14 38:9 confer 157:4 166:18 conference 59:25 67:1 82:12 167:8 167:17 168:3,9 confidence 81:13 96:22 confident 156:16
---	---	--	---

[confidential - couple]

<p>confidential 16:8 145:14 160:9 164:9 confidentiality 163:20 confidentially 152:23 162:19 conflict 76:12 95:13 confrontation 94:24 confronted 77:13 confusion 45:15 46:4 congregate 56:17 100:1 126:15 connected 160:18 consensus 156:22 consequence 39:10 113:2 conservative 90:23 109:16 considerable 45:14 46:4 consistency 144:7 consistent 153:14 consistently 134:2 constantly 9:18 63:20 73:23 constitutional 108:20 144:23 145:5 constraints 70:7 71:4,15,17 construction 96:10,23 169:6 consulting 160:23 cont'd 3:1 contact 27:4 51:1 contemplate 52:22</p>	<p>continue 21:12 84:24 86:22 138:8 159:24 173:16 continued 9:24 continues 154:5 continuing 119:16 120:6 continuity 127:8 contracted 160:2 contribute 24:7 contribution 87:25 control 6:15 35:22 59:8,9 66:11 68:17 107:14 142:4 144:12 convene 154:22 conventional 13:24 conversation 68:16 93:2,13 112:10 121:5 122:1 142:9 144:25 145:6,7,10 145:18 149:12 151:2 154:17 162:25 163:5,14 167:24 171:6,8,12 conversations 80:15,16 93:23 133:1 157:25 158:1 convert 129:23 converting 159:19 convince 137:13 cooper 5:15,15,17 cooperation 44:10 coordination 132:21 coordinator 54:3</p>	<p>copy 9:5 corners 11:6 correct 6:6 26:7,8 31:4,11,24 32:2 52:24 53:1 57:22 71:7 82:8 105:1 110:16,17 125:7 130:8 152:11 cost 83:5 84:2,4,7 86:23 87:8 88:18 88:19,22 89:7,9,11 89:13 90:15 91:2 118:9,11 125:9 131:3,19 137:20 costing 114:25 costs 102:5 couches 140:25 141:5 council 3:13,17 7:9 14:11 15:18 16:2 17:15 20:2 23:3,5,19,21,21,22 25:13,15 39:2 40:10 43:3,6 44:1 47:20 48:15,24 49:16 59:12,16 66:19 79:14,17 80:18,21 81:9 103:13 118:1,16 124:4 129:18,20 130:6 134:21 140:18 160:25 169:12 council's 166:6 councilman 47:17 56:22 58:3,5,8 105:1,6 124:5 129:24 130:2,5,12 councilmember 38:23</p>	<p>councilperson 79:20 counsel 151:3 175:10,13 176:7 176:10 count 50:14 87:15 137:3 counted 156:8 country 10:20 17:17 country's 10:24 county 3:2,18 8:4 8:19,20 17:19 18:6 21:9 25:19 25:23 37:14 38:16 45:2 50:18 54:11 56:6 69:13,14,24 70:8,19 71:10 73:5 76:21 81:11 82:16 86:17 87:1 88:15 89:16,24,24 95:16 99:21 100:24 104:8,13 106:15,20,25 107:8,14 108:21 130:17 132:22 133:2,13 143:2,3 144:1 145:19 147:9,10,15,18 148:2,5,9,11,12,13 148:14,23 149:15 149:16,16,17 151:5,22 153:15 155:7 157:10 159:11,17,23 160:6,7,11 166:6 county's 25:24 133:11 countywide 15:13 couple 10:9 45:6 80:18 101:12</p>
---	--	---	--

[couple - criteria]

113:21 114:8 115:5 122:7 139:10 140:5 147:17 169:11 170:13 couples 77:16 courage 9:9 12:22 17:16 courageous 15:18 course 12:13 45:2 52:7 109:13 court 1:1 5:2,3,6,7 6:2,3,12,25 7:15 8:25 9:4 10:11 12:17 13:17 14:1 14:7 15:5,17,23 16:9,11,20,25 17:10,11 18:22,25 19:4 24:24 25:2,5 25:8,11 26:1,9,13 26:20,24 27:8 28:22,25 29:4,9,11 29:19 30:3,6,8,14 30:23 31:2,5,9,12 31:19,25 32:3,5,8 32:11,15,17 33:1,4 33:10,13,18,21,24 34:1,4,7,10,12,15 34:24 35:10,12,17 35:23 36:1,9,16,22 37:3,9,22,25 38:3 38:4,17,21 39:1,12 39:15,17,21,24 40:2,6,8 41:6,21 42:3,6,12,15,16,19 42:21,24 43:2,17 43:19,21 44:7,15 44:18,20,23 45:3 45:11,13,17,19,22 45:25 46:3,6,10,14 46:20,22,24 47:5,8	47:12,18,19 48:17 48:22 49:15,21,22 49:23 50:1,5,6,9 50:10,21,24 51:4,7 51:13,16,21,24 52:5,8,13,16,21,22 52:25 53:2,12,14 53:18,21 54:5,8,13 55:1,4,12,18,24 56:4,6,8,9,13,25 58:21,23 59:2,5,11 60:7,9,17 61:1,3,9 61:11 62:4,18 63:2,4,7,7,11,14 63:18 64:6,9,12,15 64:18,25 65:3,7,9 65:13,18,23 66:7 67:4,11,14,18,20 68:1,7,13,21,25 69:16,20 70:11,14 71:22,25 72:14,16 72:18,21,24 73:1,6 73:11 77:2 80:5 81:5 82:19,22 83:7,8,21 89:11,13 89:17,20 90:1,8,10 90:18 91:1,11,15 91:19 92:20,22 93:6,10,15,19 94:1 94:7,11 95:1,6,18 95:21,25 96:14,17 96:19 97:4,8,15 98:22 99:2,5,7 100:3 102:1,5,9,12 103:1,4,8,16 105:2 105:7 106:14,16 107:17,25 108:11 108:14 110:2,5 112:3,20,23 113:9 114:4,7,10 115:18 116:2,7,11,15,19	116:20,21 117:1 117:12,15 118:24 119:2,8,13,21,24 120:1,11,13,16 121:1,10,13,24 122:2,4 124:6,8,9 124:11,14,16,21 124:24 125:2,3,12 125:15 127:10,23 129:25 130:4,7 131:9 132:8 136:11,17,21 137:9,12,16,25 139:14 140:19 141:9,11,14,15 142:21 143:1,4,7 143:11,18 144:5,7 144:16,18 145:11 145:13,25 146:4,6 146:8,12,20,24 147:2,5,13,17 148:2,25 149:14 149:20,24 150:2,4 150:10,13,16,20 151:1,10 152:7,9,9 152:17,19,21 153:4,22 154:4,5,9 154:13 155:4,9,14 155:24 156:13,24 157:6,16 158:3,11 158:14,16,22 159:2,5,15 160:20 161:7,13,15,18,22 162:3,5,10,16,19 162:23 163:4,8,12 163:14,18,21 164:1,6,8,10,20,25 165:2,12,14,16,20 165:22,24 166:1,3 166:8,25 167:2,3,6 167:11,14,16	168:1,3,4,7,16,20 171:10,17,20 172:14,15 173:1,9 173:12,17 174:1,5 174:7 court's 5:11 7:7 16:18 169:10 172:14 courts 16:15 129:15 cover 77:5 covered 122:7 covid 33:7,18 38:20 48:7 50:15 57:2,3 83:10,16 84:7 85:17 86:25 87:16 159:20,25 crappy 84:18 crazy 58:11 76:10 84:9,9 create 21:24 23:7 24:17 84:4 86:8 94:18,21 123:2,4 123:15 created 13:20 15:20 23:6 107:18 123:17,19 133:8 creating 22:1 108:18 152:1 credit 9:23 90:13 crime 114:17 criminal 96:4 criminalization 82:24 criminalize 107:15 107:18 crisis 19:9 20:4 21:12 22:20 86:2 86:2,3,4 100:20 criteria 74:9 156:3
---	--	---	--

[critical - difficulty]

<p>critical 8:13 21:5 23:9 24:17 148:1 168:22 critically 87:2 criticism 15:17 72:7 cross 73:7 cuel 85:12 current 36:5 97:13 156:10 currently 28:20 30:5 37:16 38:14 51:2 52:12 83:13 84:17 159:21 custodial 117:18 custody 114:2 cute 87:12 cuts 31:6 cv 1:7 9:3 cx 4:2</p>	<p>127:6 157:25 days 10:1 90:13 101:7,11 123:2,4,7 154:15 157:1 169:11 172:17 deal 20:18,19 28:8 77:14 81:19 93:20 122:10 124:6 138:1,2 dealing 41:23 76:3 80:10 105:16 127:15,18 137:23 148:10 dealt 78:13 death 17:6 74:13 74:18 debate 19:11 142:16 debt 148:22 decades 11:7 decency 106:3 decide 55:1 64:20 116:15 132:4 141:17 144:14 164:21 decided 123:14 125:5 163:23 164:2 172:24 decides 144:11 deciding 64:22 decision 6:5 16:16 25:15 26:17 46:16 53:23 63:17 65:15 74:10,11,15,19 83:11 126:16,21 142:6 decisions 62:9 75:7 77:1 124:7,8 124:14 declared 104:18</p>	<p>decriminalized 117:24 deemed 170:6 deeper 132:7,7 deeply 154:11 deescalates 159:20 defecating 101:2 defendant 2:17 3:2 defendants 1:9 defer 126:6 definable 16:24 define 77:16 105:12 106:3 122:8 135:24 138:4 defining 140:7 degrees 106:4 delaying 157:11 deleterious 130:22 demonstrated 13:15 denigrating 17:18 density 88:3 deny 21:4 department 35:21 deploy 36:8 deployment 102:8 deployments 99:16 depth 158:1 deputies 89:25 deputy 111:20 derail 171:15,16 171:18 describe 128:9 described 43:4 description 4:8 14:15 deserves 9:23</p>	<p>designate 78:3 desire 19:16 despair 10:23 details 155:20 169:3 determine 71:17 determines 69:23 devastating 20:6 21:21 develop 142:10 developer 131:18 developing 141:15 devices 141:17 dialogue 19:10 24:23 50:25 diaz 5:21,21 dictate 66:10 die 21:20 difference 34:7 125:17 144:20 160:12 differences 14:20 139:7 different 14:4 17:14 25:17 28:10 32:24 37:1 76:25 79:13,14 80:7 84:11 85:24 86:15 87:9 89:1 99:18 99:19 110:16 121:5,25 134:14 137:22 139:19 143:8 144:20 153:10 173:6 differentiate 77:3 differently 35:7 119:14,18 135:6 difficult 116:17 138:8,9 difficulty 147:14</p>
<p>d</p>			
<p>d 2:10 3:3 4:1 5:1 daily 89:14 dakota 92:6 97:17 damages 117:18 dangerous 55:2 56:18 darcey 5:19 databases 88:13 date 1:12 160:22 dates 159:13 dave 90:11,12 david 1:14 29:7 day 5:13 7:21 10:17 13:9 20:3 59:23 79:23,23 84:12 85:13 89:8 90:24 97:10 115:19 116:11 126:12,12,17,17 126:18 127:1,3,3,5</p>			

[digging - e]

digging 132:7 digital 175:7 176:3 dimmed 10:17 direct 19:16 50:25 53:17,19 directed 12:7 111:18 direction 14:7 25:17 48:8 74:9 directions 19:25 directly 82:15 director 42:18 46:25 53:21 disabilities 77:12 disabled 75:20 disadvantaged 20:14 24:10 39:22 disadvantages 160:24 disagree 73:12 112:18 119:10 disagreement 88:21 108:23 110:13 152:22 154:24 disagreements 9:8 108:3 154:25 disappointed 65:19 discharged 126:12 163:2 discuss 9:22 14:24 15:24 16:24 78:7 121:7 126:4 147:1 154:18 158:20 160:16 165:6 discussed 124:13 126:1,5 147:16 159:8 167:21 discussing 162:16	discussion 6:16 14:25 23:20,24 26:6 60:7 62:6 68:8 80:13 107:22 108:1,2,7 109:4 113:22 117:15 124:1 125:22 132:22 139:15 143:15,24 148:1 148:20,25 149:23 160:22 161:25 173:18 discussions 5:5 17:24 18:13 24:2 27:11 72:3 73:16 124:3 125:16 126:1 143:17 152:5 154:12 156:15 160:4,12 161:5 168:12,13 disgrace 10:13 disinvestment 11:9 dislocated 87:1 disparity 40:15,24 disproportionate 152:1 dispute 156:22 157:3 disputes 92:16 dissipates 57:2 distance 52:9 distinctly 25:17 distressed 87:6 distribute 40:17 distributed 39:2 39:20 distribution 39:8 39:18 40:13 district 1:1,2 14:16 17:14 39:3	39:5 42:17,18 43:11 54:3 79:8 79:17,18,21 80:1,2 80:5,8,21 81:8 82:10,17,17 96:22 99:18,19 103:14 104:25 105:24 123:18 124:11 129:18,20,23 139:21 140:9,16 140:19 districts 14:14,23 17:12 25:17 39:3 40:11 140:11 144:4 disturbed 43:8 diverse 78:24 divide 104:25 divides 80:23 division 27:9 doable 9:21 13:12 doc 1:8 docket 9:4 docketed 9:3 doctors 58:10 document 9:2,25 16:11 118:15 137:19 145:14,22 146:4,16 164:12 documents 13:13 27:25 83:24 dodging 42:6 dog 5:15,17 111:13 135:14 139:4 doing 20:8 22:23 32:17 33:8 37:16 46:1 50:19 67:21 97:18 117:5,6 119:10 137:24	dollar 89:22 dollars 88:18,22 132:5 dolly 16:21 donated 38:7 don't 49:6 door 169:7 downside 140:6 downtown 34:19 115:20 166:14 170:10,15,15,19 171:22 downturned 129:2 dr 98:20 draft 71:18 157:23 draws 159:25 dream 10:17 dreamed 59:8,13 drinking 146:17 drip 153:20 drive 34:15 101:21 135:11 160:23 driven 101:20 drop 126:14 127:1 127:9 136:25 drug 21:11,19 dtsc 35:20,25 dtsc's 36:13 due 30:21 55:15 duly 175:5 dumping 141:7 dwelling 20:22 dx 4:2 dying 49:3 dynamic 86:8 dysfunctional 78:20
e			
e 2:1,1 3:1,1 4:1,7 5:1,1 18:5			

[earlier - exist]

<p>earlier 37:7 49:3 141:10,11 early 137:2 earn 84:19 earth 172:19 easier 81:23 easy 81:17 echo 166:1 economic 84:14 88:13 edge 31:1 edification 169:11 educational 27:13 effective 87:8 125:9 effectively 20:25 effects 123:6 efficient 13:20 effort 15:8 40:16 78:18 144:9,10 145:17 172:22 efforts 28:13 40:14 168:17 eighteen 70:22 73:4 either 17:3 30:13 39:6 80:3 81:1 104:17 116:17,21 149:10 164:13 elected 155:7 electricity 77:5 91:20 element 156:5 165:17 elephant 104:12 elevate 156:18 157:5,16 elizabeth 2:3 91:23 168:23 emailed 169:16</p>	<p>embarrass 6:10 emergency 48:7 emitchell 2:7 employ 96:3 employed 96:11 175:10,13 176:8 176:10 employee 175:13 176:10 employment 97:1 97:2 emptied 99:21 empty 170:16,18 enabled 13:21 encampment 43:12 98:11 110:23 encampments 11:4 21:17 22:6 34:5,17 35:6 48:1 52:10 encourage 8:18 145:16 encouraged 13:17 energy 138:7 enforce 83:4,4 122:8 139:21 140:2 enforcement 26:4 90:17 104:2,5,7 108:5,24 109:1,7 109:15,17 110:4,9 111:22,25 112:1,7 112:17,25 113:10 113:12,13 114:10 119:16,16 120:2,4 120:20 121:7,21 123:10 138:18 142:15 147:20 enforcing 116:6 120:9</p>	<p>engage 13:18 173:3 engaged 172:8 engagement 19:9 53:19 engaging 23:19 enlightened 13:15 enormous 148:22 ensure 23:14 24:4 24:7,21 ensures 8:15 ensuring 8:6 19:14 enter 6:16 8:4 16:19 entered 32:18 entering 153:18 entire 48:1 136:4 162:6 entity 18:14 41:24 79:19 environmental 28:3 35:16 37:1 62:17 63:15 70:6 71:3 129:7 epicenter 15:15 equal 15:2 equally 40:16 equitable 24:23 39:8,10,17 40:13 equitably 39:2 equity 24:3 eric 95:13 133:4 es 4:2 175:4 escalate 110:8 escalates 86:23 especially 14:9 15:7 18:17 esquire 2:3,10,18 3:3 essentially 169:19</p>	<p>establish 19:12,24 estimate 160:1 estimated 159:18 et 1:5,8 10:6 15:8 40:19 97:9 99:12 123:25 145:16 evaluate 61:23 71:16 evening 26:3,6 174:2 event 157:8 eventually 90:4 111:18 112:8 163:9 164:11 everybody 6:21 11:6 27:6 80:6 92:9 100:8,21 110:2 everybody's 111:16 eviction 115:21 evidence 88:10 ex 13:18 exacerbated 11:10 exactly 52:15 125:12 examined 131:21 example 28:7 100:4,8 153:9 excellent 50:21 54:8,8 107:21 116:13 161:23 exception 96:7 exchanged 157:23 excuse 49:13 executive 36:7 54:4 exemplar 12:21 exhausted 150:17 exist 24:9 114:22 132:2</p>
--	--	--	--

[existing - fine]

existing 31:23 94:20 exiting 96:4 expand 159:24 expect 6:17 25:15 26:15 68:15 74:21 139:5,6 144:7 157:25 expectancy 49:13 49:24 expectation 72:8 expectations 23:25 expected 46:25 85:22 expeditiously 44:4 expenditure 75:23 76:9 expense 151:25 expensive 84:6 experience 96:8 118:18 147:8 experienced 11:15 experiences 81:25 experiencing 8:17 16:5 expertise 38:12 experts 49:7 explain 33:14 153:22,25 explosive 76:13 expressed 143:12 extent 121:16 extraordinarily 73:1 133:4 extraordinary 7:10 extreme 112:8 extremely 24:8 60:19 172:2	extremes 9:11	far 15:24 18:11 30:23 42:13 62:4 78:17 81:18 121:20 122:7 123:22 135:10 137:21 151:8 farther 113:16 fast 12:9 15:20 40:22 75:7 84:25 faster 40:22 fault 55:6,17 86:13 fear 87:3 104:21 104:22 fears 119:6 feasibility 69:23 70:6 feasible 8:15 69:13 71:12 142:13 feces 101:6,10 federal 5:5,6 6:2 14:1 17:11 21:9 26:20 42:16 49:21 49:23 50:1,6,9 52:22 55:1 56:9 103:16 110:5 116:20,20 148:14 167:3 fee 102:8 feeder 88:17,23 feel 39:5 82:13 feeling 118:9 feels 21:2 feet 30:25 31:2 59:25 84:13 fellow 11:3 22:4 felt 169:23 170:4 fema 17:17 female 3:25 60:23 62:25 68:23 120:22 162:9	fence 77:10 fenced 43:22 fhwa 42:9 fiction 128:16 fields 92:5 fight 99:10 102:14 fighting 92:18 figueroa 56:23 58:1 figure 23:17 58:19 60:24 130:17 137:21 149:4,12 figures 91:4 file 88:10 116:18 118:14 134:8 filed 6:12 83:22 88:8 fill 123:22 film 34:16 final 7:18 17:2 finalizing 48:2 finally 19:24 21:11 23:6,25 24:8 financial 21:7 financially 8:15 175:14 176:11 find 33:7 35:8,9 38:12 44:6 55:9 57:5 72:3 90:21 90:22 91:23 109:18 116:16 128:18 139:7 164:10 fine 50:2 64:16 67:1 82:12 92:10 92:10 119:10 120:14,17 121:6 127:17 132:16 139:8 152:21 166:25
	f faces 10:23 facilitates 70:7 facility 128:24 fact 7:10 11:19 17:2 33:3 34:3 44:2 97:16 100:19 102:19 128:16 134:7 factors 71:17 84:24 86:24 facts 121:17 failed 10:23 12:11 90:3 failing 10:15 failure 90:8 failures 11:8 fair 19:10,25 20:13 21:15,24 22:1,8,20,21,22,24 24:22 26:21,23 35:12 53:12 64:14 64:19,20 67:11 93:23 97:25 123:19 133:13 151:16,18 171:4 fairly 40:17 fairness 24:3 fairview 128:18 faith 25:14 27:25 129:6,10,12 142:3 falling 130:20 false 24:8,14 familiar 114:10 families 10:18,22 77:15 88:1 family 12:6 fantastic 46:19 71:21		

[finger - further]

finger 120:19 fingers 12:1 finished 29:8 fire 41:12 firm 105:11 firmly 82:16 first 6:25 16:2 19:7 29:19 31:13 40:10 41:1 54:9 57:5,8 66:11 68:13 71:25 74:24 75:16 77:22 79:22 81:11 84:8 93:6 95:9,15 98:13 112:14 114:9 116:12 119:1 126:22 128:23 132:3 134:20 141:1 143:13 148:12 151:19 153:6 159:16,17 159:18 fisher 122:22 123:14 124:16 125:22 fisher's 122:18 fit 171:25 fits 61:24 95:8 five 56:21 58:6 59:19 67:8 70:17 83:16 88:18 91:24 96:10 101:9 141:20 142:2 150:16 154:14,14 154:15 flag 126:8 flame 79:11 flash 122:6,9 124:2 flavor 80:7	fleeing 10:22 fleshed 155:21 flexibility 151:24 flexible 41:16 flip 74:6 77:19 78:2 100:20 120:18 floor 166:7 flow 88:6 flowing 132:16 133:6 focus 28:12 61:13 74:23 94:16 135:8 149:3,4 folks 21:18 41:15 44:5 54:16 91:6 93:13,24 95:25 97:8 111:11 121:6 126:9 138:13 144:23 145:5 169:25 170:13 171:22,24 172:7 following 133:1 159:14 food 98:15 138:16 footnote 146:14 footnotes 146:22 force 18:16 59:4 59:18 157:7 foregoing 175:3,4 176:4 foreign 10:21 forgetting 105:16 133:24 138:1,11 forgot 111:11 form 59:4 60:9 63:24 66:8 134:15 formal 5:4,8,24 157:2 formality 6:2 7:7	formally 6:12 9:1 9:4 formed 59:18 former 8:16 91:7 154:7 formerly 159:8 forms 107:22 formula 156:5,6 forth 7:13 50:22 80:16 142:17 158:8 fortune 114:25 forward 5:14 8:8 10:9 19:12,24 21:8 23:19,24,24 24:2,4 25:18 48:15 57:15 91:22 107:21 134:4 150:19 foul 111:21 found 12:4 40:12 foundation 3:20 four 58:5 90:13 162:11 frame 41:9 63:24 66:10 82:4 143:18 172:16,17,20,25 framework 13:24 23:21,21 frankly 18:16 19:15 21:23,25 36:14 38:11 40:15 43:14 49:4,19 51:18 65:18 127:16 128:19,21 133:16 134:17,22 free 118:22 freely 106:1 freeway 28:6,7,19 29:1,20 30:1,2,11 30:13,19,21,24	31:1 33:2,15,22 34:16,17 35:1,1 37:4,6 40:1,5 43:10 44:2,5 45:16 53:7 54:16 55:11,13 56:18 62:22 75:11 129:8 135:11 freeways 49:11 73:25 77:25 frequently 56:16 126:10 friday 90:5,6 161:14,16,22 162:20 friend 11:14 friendship 15:5 front 14:5,18 61:20 78:5 79:9 92:8 103:17 117:1 117:6 119:9 121:4 frontage 27:20,21 frustrated 22:16 26:16 frustrating 20:12 frustration 47:20 64:3 173:11 frustrations 48:4 fullerton 148:20 fumes 53:6 function 40:5 fund 148:5 fundamental 12:14 153:13 funding 148:6,21 157:11 funds 135:17 furios 76:15 further 152:4 156:15 166:19 174:2 175:12
---	--	---	---

[further - good]

176:9 future 85:19	gilliam 176:2,15 gipson 48:10 give 17:25 24:25 25:15 27:10 29:4 29:7 30:15 41:25 42:3 43:6 51:24 59:8,9 60:17 61:3 66:11 67:23 76:3 83:22 95:7 110:15 112:4,20 114:1 116:7,9 123:5,5 130:25 137:19,19 138:16 139:20 143:18 144:3,3 155:7 159:12 given 24:19 31:20 50:12 54:24 61:16 61:18 83:9 85:11 111:9 124:14 giving 14:7 119:6 125:10 155:6 glove 29:4 go 19:2 26:20 27:9 28:15 45:25 51:21 52:4,9 54:24 56:11,23 57:25 59:11,24 60:2,3 62:23 63:3,19,21 67:4 68:21 69:9 69:24 74:13 75:13 75:18 77:2,9 85:3 86:18,18 88:7 89:2 90:5,20 92:24 93:15 101:21 104:17 111:14 115:18 116:11,15 117:21 118:7 121:9,14,21 122:25 123:6,8 126:16,21 127:20 128:5 129:16,17	133:18 134:4 135:17 138:15 139:8 140:21 144:1,16,16 145:17 146:14,24 146:24 148:19 149:21,24 154:14 154:21 161:3 162:9 166:8 goal 54:15 113:7 153:19 154:2,4 goals 53:3 god 128:25 138:23 god's 138:12 goes 42:13 102:15 114:11 130:14 going 5:7,24 6:1,7 6:10 7:1,23 9:1,2 9:10,13,17,25 10:9 10:11 13:11 14:1 14:23 15:23 16:13 16:17,22 17:4,13 18:12 25:12 26:9 26:10,11,15,24 27:1,14,17 28:7,8 28:15 29:4 38:5,6 41:16 42:1 43:9 45:25 46:6,14 47:12,14,14 48:23 50:15 54:19 57:24 58:23 59:4,22 60:9,10,11 61:17 62:3 63:19 65:15 66:13 67:14,16,22 69:6,9 70:11,14,23 70:24 71:2,5,10 73:7,9 74:22 75:5 75:6 76:2,12,14,17 76:24 78:2,6 79:9 79:10,13,25 80:22 80:23 81:22 83:3	83:4,18 84:6 85:1 85:16,18,21 86:7,9 86:24 87:3,10,13 87:19,22 90:1,6,8 93:21 94:16,17,25 95:6 96:23 99:8 99:11 101:14,19 103:15,16,20 104:4,17 105:13 107:20 109:3,7 110:12,22 111:14 112:20 113:5,19 115:21 116:7,15 116:18,21 117:2,3 117:4,17 118:13 122:10,10,12,14 123:9,12 124:20 126:6,9,12,13,22 128:18 131:3,18 132:11,13,17 134:5,8,10,16 135:1,2,7,16,20 137:6,18 139:11 140:20 141:16,17 142:2,5,7,16 143:9 143:23 144:22 145:4 146:15 152:4 153:3 155:10 156:14,25 158:3,5,17,18 159:10,21 163:1 163:22,24 164:4 164:20,22 166:5 167:1,3 173:6,7,8 173:16,20,22 gonzalez 17:10 103:21 good 18:15 25:14 27:24 28:7 40:16 43:4 44:8 46:20 46:22 47:5 79:11
g			
g 5:1 gain 20:3 135:16 gallon 122:20,21 123:22,24 125:6 125:23 garcetti 15:6,10 94:2 133:4 garcetti's 91:22 garcia 125:2 gary 9:3 garza 8:3 gathered 101:19 gears 173:9 gee 16:21 76:17 92:23 95:11 general 135:9 151:23 156:9,22 157:1 generally 132:19 generation 15:22 gentleman 27:5 gentlemen 7:15 8:23 gentrification 86:16 genuine 23:19 getting 8:8 53:4,8 67:7 86:12 98:23 100:23 103:22 105:18 107:19,19 107:20 109:14 112:10 113:10,18 119:3 135:10 136:22 137:24 172:25 gift 19:23 24:19 gil 96:20,20,24			

[good - helping]

81:21 85:24 88:4 91:20,20 98:18 105:10 107:24 108:4 113:2 114:23 129:6,10 129:12 133:4,23 142:3 143:12 144:2 146:17 147:23 151:8 154:8 157:19 164:10 166:22 174:2,3,4,5 goodbye 24:14 goodness 134:24 goodwill 78:18 79:25 gorilla 133:9 gosh 67:11 80:1 134:6 gotten 20:18 135:19 government 47:21 132:15 governments 12:16 55:8,8 governor 13:1 27:22 38:9 48:6 147:5 granada 83:17 granted 22:18 grants 148:8 gratuitously 48:25 great 14:21 38:21 45:23 46:1 74:11 83:1,2 85:6 91:24 94:3 95:20 98:3,3 98:19 99:13 104:3 111:20 115:11 140:4 greater 40:21,25	greatest 40:20 113:17 gridlock 20:21 ground 80:4 group 18:1 60:8 61:13,25 75:16 136:3 grown 22:16 guarantee 49:6 guard 73:17 guarded 76:18 guess 135:3,4 guesstimate 133:12 guest 82:5 guidance 8:2 79:3 guidelines 82:24 107:12,13,21 113:3 117:20 guiding 141:15 151:12,14 guilty 11:16 gutierrez 16:21 guy 111:14 guys 57:19 70:20 h h 4:7 85:1 135:17 habitable 129:13 129:22 habitation 128:25 171:25 hahn 148:18 half 12:4 84:17 101:9 111:9 hallway 60:3 hammer 18:16 handful 154:20 handicapped 75:2 75:20 handle 132:15	hands 22:19 happen 7:20 17:1 40:4 86:25 117:4 133:24 135:23 167:1 happened 96:25 125:3 happening 21:22 163:17,22 169:7 170:20,25 happens 34:22 100:12 122:25 123:15 129:4 happy 43:6 95:15 96:16 97:6 130:25 145:9 151:6 171:5 171:8 hard 7:2,11 11:11 13:6 21:6 49:5 54:19 60:19 116:23 127:25 hardworking 22:17 harm 14:3 22:1 111:21 117:22 harmful 54:17,17 54:20,23 harsh 97:21 hawthorne 69:18 hazard 128:12 129:8 hazardous 28:3 53:4 56:10 he'll 29:22 head 9:16 27:9 131:21 headed 155:8 heading 68:11 headway 27:16 heal 10:16	health 11:8 20:25 21:5,11 74:18 78:1 109:24 121:21 healthy 50:3 hear 6:24,24 15:23 17:12 19:6 25:12 29:11 36:16 47:19 68:14 71:14 72:2 73:23 92:20 95:14 121:1 132:9 133:1 133:19 142:21 149:2 155:18 164:1 heard 11:23 17:16 41:11 48:22,24 49:2 64:2 72:1 73:8 82:16 90:2 134:2 141:20 171:19 172:18 hearing 1:11 44:10 62:4 63:8 63:20 64:1,3 77:8 95:10 99:9 103:9 127:13,16,18 141:11 165:19,21 heartbreaking 21:21 heat 51:13,16 heating 91:17 heaven 172:19 heidi 3:14 110:1 help 11:14 12:1 16:18 19:13 32:25 35:15 37:14 48:20 62:6 63:7 66:9 78:3 105:22 127:6 138:12,18 139:1 helpful 66:19 73:2 helping 22:4 88:5
---	--	---	---

[helpless - ignore]

<p>helpless 74:17 hereto 175:14 176:11 hey 92:9 96:22 139:20 141:24 hhh 135:17 hi 90:11,12 high 74:13 86:17 highway 43:24 hire 128:5 historic 74:5 historical 133:10 133:20 historically 20:16 116:24 122:5 history 24:5 25:19 32:22 83:9 135:1 hit 26:16 90:7,8 156:4 hold 31:19 46:22 93:6 95:21 108:5 112:15 117:1,12 119:13 120:16 127:23 128:3 hole 85:22 132:7 home 10:21 30:19 47:25 48:1 90:11 92:2 136:20 137:1 137:2 homeless 3:14 9:22 10:4 12:6,8 16:5 23:11 35:8 50:13 54:3 85:14 90:2,12,19 91:7 99:24 101:1,19 104:15 105:12 106:2,2,22 107:8 114:12,16 115:5,6 116:16 117:22 118:10 121:20 124:17 135:8,12</p>	<p>136:2,4 141:8 homelessness 8:17 11:15 12:4,18,19 13:21 19:14 20:4 23:3,7 24:9 78:16 81:15 84:14 85:9 86:2 87:11 88:16 88:17,24 89:2 96:5,9 101:18,18 131:11,12 141:13 homes 87:9,10,11 94:22 honestly 100:22 honor 5:21 7:23 8:24 16:22 36:21 47:18 48:2 54:21 61:5,14 62:13 67:2 68:10,19 92:13 93:22 94:14 118:18 120:8,22 124:12 125:1 126:3 130:2,15 139:12 142:18 149:2 150:9 158:9 161:24 162:22 163:23 164:17 165:17 171:3 172:12 173:25 honorable 1:14 honoring 5:12 hook 113:12 hope 10:5 16:21 19:10,11,22 103:12 138:7 hopeful 103:10 hopefully 14:5 73:13 110:3 119:7 122:23 125:16 157:24 hoping 121:16</p>	<p>horrible 96:25 horrific 104:14 horseback 114:20 horses 114:12 host 166:11 hot 124:4 127:11 132:20,20 hotel 1:15 15:11 15:14 123:4 138:24 160:2 hotels 77:10 100:6 163:2 hour 15:10 77:7 127:1 145:19 150:9 hours 7:5 13:9 45:6 143:19 150:16 154:14 house 10:16 37:19 41:15 housed 51:2 houses 87:23 95:4 housing 11:11 12:8,15 20:17,17 21:3 22:3 23:8,11 61:16,17,20,24 62:2 85:2,13 86:2 86:14,23 87:21 93:14 94:18 100:18 115:20 125:10 127:8,11 129:23 131:23 133:16 145:1,2,2 153:8,10 huddled 11:4 huge 43:11 86:8 87:22,24 90:17,18 117:23 119:6 133:15 138:2 171:7</p>	<p>huh 29:15 37:22 91:11 97:15 99:1 161:15 human 1:4 76:4 128:24 135:15 humane 13:20 51:7,9 136:5 138:3 humanely 10:16 53:7 102:23 humanity 136:6 humankind 11:2 humble 40:15 humbled 14:15 24:24 103:4 humbly 9:6,16,25 10:3 12:24 13:8 15:6 46:24 128:7 160:13 hundred 97:10 hundreds 98:17 husband 96:7 hygiene 98:14 hypothermia 49:5</p>
			<p>i</p>
			<p>idaho 79:2 idea 78:9 81:21 85:6 105:20 113:3 115:11 128:7 132:24 139:14 157:2,4 158:24 ideas 139:11 identification 90:21 156:11 identified 70:3 71:11 130:9,10 171:2,7 identify 70:19 75:9,19 ignore 50:2</p>

[ignored - issues]

<p>ignored 11:12</p> <p>ignoring 49:19</p> <p>illegal 35:5,6</p> <p>illness 75:1</p> <p>imagine 100:14</p> <p>immediately 102:23 108:25 111:15 172:21</p> <p>immensely 105:23</p> <p>immune 11:22 25:9</p> <p>impact 20:9 24:1 153:3</p> <p>impacts 20:4</p> <p>impasse 68:12 92:4 154:13</p> <p>impatience 141:24</p> <p>imperative 12:15</p> <p>implement 20:24 23:9</p> <p>implemented 23:5 24:18</p> <p>important 7:20 23:1 47:19 48:9 55:14 61:7 81:14 81:15 85:7,7 87:2 93:12,12 169:5,24</p> <p>impose 60:3 67:25</p> <p>imposes 139:3</p> <p>improve 157:24</p> <p>improved 19:15</p> <p>inability 43:8</p> <p>incapacitated 76:6</p> <p>incarceration 96:9</p> <p>incentive 140:4</p> <p>inch 31:7</p> <p>incident 110:12 111:12 112:11</p> <p>incidents 109:12</p> <p>include 16:6 103:10 115:10</p>	<p>including 156:10</p> <p>income 11:10</p> <p>inconsequential 38:5</p> <p>incorporate 145:21</p> <p>increase 85:16 145:2</p> <p>increases 11:20</p> <p>incredibly 20:12</p> <p>incremental 15:19 27:15</p> <p>incrementally 129:17</p> <p>independent 147:10</p> <p>indicated 153:7</p> <p>indication 128:13</p> <p>individual 66:16 69:11</p> <p>individually 118:19</p> <p>individuals 23:11 54:24 61:20 96:4 99:24</p> <p>industrial 170:16 170:18</p> <p>inequality 11:10</p> <p>inertia 13:11 17:3 18:1 46:7,11 75:9 79:16,25 132:14 134:6</p> <p>inflammatory 26:5 103:25</p> <p>influence 22:15 23:23</p> <p>informal 157:2</p> <p>information 60:11 62:9 65:11 67:7 75:13 154:21 159:14 160:3,5</p>	<p>161:25</p> <p>informed 6:18 63:17</p> <p>infractions 115:9 115:12,24 120:3</p> <p>infrastructure 23:6</p> <p>inhibits 157:9</p> <p>initial 5:4</p> <p>initially 38:10 40:18 59:9,9 80:17 87:20 133:7 164:8,11</p> <p>initiative 36:21 83:1</p> <p>injury 117:20</p> <p>innovative 131:7 131:12 132:6</p> <p>input 103:13 141:22</p> <p>insert 160:14</p> <p>inside 77:8</p> <p>insistence 172:14</p> <p>inspector 5:13</p> <p>instance 74:10 75:18 123:18 140:1</p> <p>institutions 10:24</p> <p>insulting 24:8</p> <p>insurmountable 155:3</p> <p>integrate 50:16</p> <p>intelligent 62:9</p> <p>intention 158:9</p> <p>intentioned 18:6</p> <p>intentions 18:15</p> <p>interact 78:21</p> <p>interaction 28:10 43:9</p> <p>interest 36:13</p>	<p>interested 17:6,8 17:11,12 95:10 145:1 175:14 176:11</p> <p>interests 162:18</p> <p>interim 152:2 153:11</p> <p>interlaps 132:25</p> <p>interrupted 113:19</p> <p>interveners 151:5 164:3</p> <p>intimated 121:6</p> <p>intimidate 114:12 114:16</p> <p>inventory 151:19</p> <p>investing 172:22</p> <p>investment 21:7 95:13 102:16</p> <p>invited 6:11</p> <p>involve 16:7 80:15</p> <p>involved 6:17 16:15 20:1 77:22 79:13,15,18 103:17,22 117:1 118:1 119:9 122:6</p> <p>involvement 19:16 21:9</p> <p>isolated 11:19</p> <p>issue 21:8 23:3 47:19 68:20 77:17 87:22 95:17 107:22 111:1 121:3 122:7 124:13 125:1,11 126:25 148:23 153:7,12 157:13 168:25 169:6</p> <p>issues 8:13 13:16 13:23 25:16 48:25 75:14 143:23</p>
--	--	--	--

[issues - know]

145:3 148:6 153:5 153:6 156:8,17 157:15 item 122:23 123:25 items 16:16 104:5 122:13,15 138:13 140:24 i'm 132:24	juan 8:3 judge 3:11 5:3,25 7:5 8:11,11 13:18 15:4 16:20,21 17:7,9,10 19:8,21 22:9 23:16 24:18 26:2,10,12 27:4 29:25 38:2 57:10 63:25 66:24 77:22 77:23,23 79:5 80:14,19,22 89:22 103:21,21 119:12 121:15 122:18,22 123:14 124:16 125:8,22 128:24 129:16 138:15 139:2 151:4 152:15 155:1 173:5,6 judgement 112:2 judges 90:10,13 judgment 134:12 julian 131:17,20 july 63:14 jump 15:12 85:9 85:15 june 42:16 jurisdiction 30:21 31:12,16,17 32:11 32:14 34:25 53:20 107:15 justice 11:1 96:4 justifications 172:5	102:18 111:16 115:2 116:22 127:4 130:20 132:7 141:4 173:7 keeps 127:10 kept 24:6 103:23 kes 1:8 kidding 5:16 26:15 59:3,13 82:4 93:16 97:11 99:5 kids 21:17 kind 10:7 17:15 27:10,18,22 28:3 46:11 67:5,5,17 79:24 83:14 92:6 94:5,21 103:10,20 104:11,23 105:3 108:24 123:19 128:17 151:7 152:25 153:1,17 156:15 157:1 158:1,20 161:2 166:5 169:8 kindness 135:15 135:25 138:8 kinds 38:9 133:1 king 93:5 95:20,24 96:2,16,18 97:3,6 97:12 99:1,4,6,14 101:25 102:4,7,10 102:25 103:3,6 knew 88:11 173:19 knocked 134:12 know 7:3 12:18 15:7,9 16:20 18:3 26:2 27:8 32:21 37:9 41:4,15 44:7 44:19 45:19 47:23 48:2,9,23 49:4,6,8	49:22 50:14 51:25 53:10 55:10,16,19 55:20 56:11,15 57:7,25 58:11 59:19,20 60:21,21 61:3 63:8 65:15 66:13 71:4 75:22 76:18 77:18 80:8 81:8,13 83:2 85:1 85:15,19 86:1,11 86:13,20 87:1,12 87:14,15,21 88:1,9 88:11,12 89:3 90:13 91:2,3,6,6 92:23 93:19,20 94:23 95:11,15 96:23,25 98:5 100:10 104:15 105:19 106:13,18 106:18,18,21,22 106:25 107:12,24 109:10,23,23 111:16 114:19 115:14,21 116:10 117:16 118:8,14 118:19 120:7 121:5 123:13,25 126:25 127:15,18 128:2,6,10,11 129:9,15,17,21,22 130:13 131:14,16 131:19,21,23 133:3,17 134:24 135:13,18,25 139:12,25 140:3 143:19,19 146:8 146:10,21 147:22 148:6,7,14,16,19 149:6,17 150:5,11 154:23 155:15 156:2 158:12
j			
jail 89:11,13,19,19 89:20 90:5 110:12 111:15 116:5 117:23 jane 176:2,15 janis 148:18 january 34:16 jeff 3:21 27:7,8 job 1:19 45:23 46:1 96:15 98:3,4 111:20 137:15 jobs 84:14 96:23 joe 3:13 7:3,3,4,12 14:11 23:2 27:1 47:8 48:23 58:1 67:8 79:22 99:22 103:17 104:25 105:23 108:19 109:7 111:22 129:19,21 130:9 140:10 joe's 108:18 129:18 john 42:18 82:4 105:2 join 163:13 164:13 joined 5:3,14 joint 158:25 jones 88:8 jr 3:11	k kansas 100:15 kathryn 15:1 25:20 133:3 134:22 keep 6:18 47:12 74:18 85:9 102:17		

[know - living]

160:23 165:4 168:19,20 169:12 170:1,15 knowing 56:10 140:18 knowledge 103:13 175:9 176:6 knowledgeable 6:20 26:19 27:11 64:1 known 109:21 142:1 145:15 knows 43:14 49:23 80:4 83:8,21 krekorian 59:16 66:19	largesse 133:11 lastly 16:1 18:4 late 14:2 16:9 92:25 98:6 latinos 12:5 lauren 3:12 law 12:17 90:16 108:13,19,20 109:1 110:9 111:22,24 112:1 112:17,25 113:10 113:23,24,24 114:10,21 116:1 120:20 121:20 122:17 125:19 138:18 lawful 108:5 113:13 119:16 120:2,3 lawfully 112:12 lawsuit 116:18 134:13 lawsuits 20:20 103:19 132:16 157:13 lawyers 6:15 115:18,19 146:20 lay 109:3 142:10 laying 65:4 leaders 10:24 leadership 8:1 17:16,18,19 23:2 leads 132:25 144:25 learned 151:8 learning 38:3 lease 31:24 32:6 36:5,6 37:18 41:10 48:11 123:7 leased 31:18	leave 60:13 75:16 76:4 91:2 100:13 122:11 141:16 158:14 160:15 173:20,23 leaving 47:13 110:23 led 21:14 lee 82:4 lee's 105:2 left 21:19 legal 3:20 115:20 legally 30:1,2 legislative 48:10 length 152:11,12 152:13,14 153:15 lesson 114:3 lessons 151:7 letters 171:20 letting 151:8 153:20 169:12 levan 141:1 level 15:16 21:3 141:19 152:1 levels 19:20 leverage 147:20 lgbtq 10:21 liability 156:16 libraries 21:18 73:18,22 75:10 76:19 77:23 102:20 lied 128:20 lieutenant 115:13 115:22,25 life 8:7 9:20 17:5 49:6,13,23 51:10 121:19 lifted 169:7 light 47:18 89:20	limited 20:21 128:11 line 61:20 78:15 93:7 97:7 134:13 141:11 lines 136:14 list 47:14 65:22 69:8 70:25 100:2 145:19 listed 70:24 listen 122:2 listening 81:6 82:11 127:25 128:8 literally 28:1 53:5 160:16 litigated 114:13,14 litigation 117:13 134:8 135:10 141:24 157:11 little 5:4 6:23 39:4 47:2 51:10 59:24 65:18 84:18 85:5 89:23 98:6 112:21 122:14 124:11,12 136:25 137:20 139:3 153:22 173:19 live 11:3 20:7 28:18,23 29:20 30:1,2,10,12,18,24 30:25 31:3 33:22 53:6 92:14,18 115:23 120:10 170:15 172:1 lived 33:15 86:19 living 10:19 20:5 30:4 33:1 35:1 44:21,24 49:5,11 49:12,24 54:16 62:21 77:15 84:15
l			
l.a. 23:18 la 1:4 82:15 89:15 89:18,19 171:14 171:20 173:2 laboring 108:19 lacity.org 2:22 lack 132:21 ladies 7:15 8:22 lahsa 56:4 61:22 75:20 76:9 83:20 83:25 84:11 85:12 86:11 95:15 107:12,13,21,23 113:3 117:20 131:1 133:8,9 136:24 148:15,19 lahsa's 86:13 land 10:21 102:15 122:17 landes 2:4,11 language 36:19 large 129:19 166:6 larger 78:12 79:18 140:16			

[living - marston]

84:16,17 90:11 100:14,21 115:11 123:13 125:18 170:13 172:3 llp 2:4,11 3:4 load 22:25 99:20 lobby 95:21 158:8 158:17 local 11:24 55:8 97:8,9 located 39:21 94:25 location 1:15 41:5 42:10 53:8 69:13 73:14,16,18,20,24 73:25 74:21 76:13 77:20 94:10,12 95:10 99:10 110:11 111:17 142:11 151:25 170:9,22,23 172:7 172:15 173:6 locations 51:8 55:3 57:5,8 69:3,6 69:8 74:5 94:21 locked 132:4 lofts 131:16,20 long 6:15 8:14,21 9:7 16:4 23:10 37:12 44:11,12 49:8 56:8,9,11 100:18 111:15 116:12 131:6 146:11 155:12 longer 11:18 21:17 36:13,15 87:6 153:16 169:13 look 6:8 19:21 23:19,24 24:2,4 51:9 52:18 69:6 70:23,24 73:9	74:24 98:4 100:10 125:9,10 130:15 131:2 134:16 135:11 137:6 146:14 149:10 154:8 165:8 173:12,12 looked 79:1 92:23 100:10 looking 8:8 35:7 72:5 79:21 126:24 136:5 looks 52:13 149:9 156:16 158:21 loops 51:1 los 1:8,17 2:6,13 2:17,19,21 3:2,6 3:13,14,17,18,19 3:20 8:4,19,19,20 8:20 12:2 13:3 14:11,20 16:5 23:5,18 24:12,16 27:12 34:19 35:14 61:16,22 78:24 79:5 81:18,22 82:18,25 84:2 88:15,15 89:2 104:12 106:13 107:2,11 114:22 115:8 128:17 130:16 133:12 139:25 147:10,11 159:23 168:25 169:3 171:13 lose 126:13 134:10 135:22 144:18 losing 153:19 lost 112:10 119:4 124:11,12 lot 9:7,8,8 16:21 23:4 50:25 62:24	73:15 80:16 84:6 85:2 86:15 90:10 90:13 91:19 93:25 98:11 100:15,19 102:15 103:22 115:9 117:24 118:18 127:12,19 127:22 130:22 132:19 134:15,16 135:5 138:23 139:13,14 140:11 147:21 148:15 170:10,16,18 172:23 173:21 lots 8:14 40:4 57:12 69:4 82:24 110:1 130:6 143:8 louder 81:3 lousy 100:23 love 93:8 95:20 105:15 130:7 loved 11:14 low 74:18 87:15 146:8,12 luck 147:23 lucky 90:7 ludicrous 141:25 m m 18:5 magnanimous 118:10 magnitudes 151:21 main 2:20 maintain 20:25 23:12 maintained 8:7 maintenance 34:25 37:21,24 44:3 45:4 49:18	majeure 157:7 major 141:1 majority 9:14 maker 53:23 makeshift 11:4 making 7:23 90:12 127:2 134:1 143:20 159:11 male 3:24 59:10 149:22,25 162:8 manage 12:9 managers 85:3 manatt 3:4 manatt.com 3:7 maple 27:12,18 79:5 170:9 march 33:14 marcus 2:18 35:14 35:16,19,21 54:11 70:23 71:7,14 129:11 159:8 161:1,24 162:4 172:12 173:24 174:2,4 marcus's 28:13 mark 157:24 marked 4:10 70:12 marks 68:1 150:20 161:7 162:11 markups 158:2 marqueece 80:4 82:5 marshal 5:9,13,14 5:19,21,21 marshals 5:12 41:12 marshal's 5:10 marston 3:14 56:5 172:19
--	---	---	--

[martinez - mitchell]

<p>martinez 3:16,17 6:23 8:12 14:10 18:21,24 19:2,6 24:25 25:3,4,7,10 29:6,10,13,16,18 29:22 36:17 37:20 37:23 41:8,19 42:5 46:19 47:10 50:7 51:15,19,22 57:1,9,14,18,22 58:13,16,19,22 62:15 64:22 70:18 70:22 71:5,8,21,24 81:3 massive 11:8 match 130:19 matt 157:21 matter 20:10 74:11 matters 79:11 matthew 2:10,14 mattress 122:16 138:17 mattresses 140:25 141:4,7 mayor 7:3,3,4,12 7:16 8:2 15:6,18 17:16 40:9,12 91:22 94:2 95:16 99:8 109:16 134:23 161:1 mayor's 15:8 95:10 170:1,2,3 maze 18:8 mclain 3:18 56:7 mean 31:9 54:21 55:17 62:2 64:6 75:20 76:4,8 80:24 84:20 88:9 91:7 92:2 93:11 93:17,17 104:5</p>	<p>105:23 109:14 126:7,19 127:12 131:5 134:25 135:14 139:15 144:19,21 149:19 150:8 151:11 170:23 171:3 meaning 152:7 meaningful 21:6 155:16 meaningless 90:16 106:7 means 26:16 57:7 89:9 104:7 107:10 107:11 109:17 120:8,9 131:10 142:15 measurable 9:21 16:24 measure 12:10 measurement 101:8 measuring 12:10 mechanism 61:23 media 68:2,5,6 150:21,24,25 161:8,11,12 162:11,14,15 mediation 139:8 medical 58:10 60:21 110:25 111:1 medium 104:23 meet 63:21 139:22 157:3 158:10 161:1 164:21 166:17 meeting 115:5 151:7 157:10 158:17 164:14,21 166:21</p>	<p>meets 66:6 member 23:22 48:10 66:19 member's 44:1 men 96:6 mental 11:8 21:4 21:11,19 75:1,14 109:24 mentally 75:20 mention 109:5 mentioned 77:4 112:11 157:21 mentioning 6:9 mesh 133:5 mess 18:4 28:9 message 76:22 met 95:22 103:5 120:4 method 117:8 methodology 59:15 60:12 65:5 67:5 methods 20:24 metric 16:12,13,15 16:17,17,18 metro 114:11,20 114:23,23 michele 3:16 6:23 8:11 25:2,3,4 29:6 29:10,13,16,18,22 36:16,17 37:20,23 41:6,8,19 42:5 46:19 47:10 50:7 51:15,19,22 57:1,9 57:14,18,22 58:13 58:16,19,22 62:14 62:15 64:22 70:18 70:22 71:5,8,21,24 80:15 81:3 147:15 148:3</p>	<p>michelle 5:8 micro 87:25 microphone 68:24 68:25 middle 120:19 mike 79:23 80:3 82:5 84:1 105:2 115:7,22 miles 58:1,6 59:19 67:8 military 10:19 miller 3:19 56:1 172:18 million 84:7 89:22 mind 53:22 minds 142:14 mini 131:16,20 minimal 48:18 62:5 minimize 95:4 minute 159:10 minutes 67:4,22 91:24 102:13,13 154:14 miscommunicati... 109:20 misdemeanor 116:4 misdemeanors 116:3 misimpression 43:3 mission 56:20 83:15 misspoke 41:3 mistaken 119:6 misunderstood 167:24 mitchell 2:3 68:10 68:19 69:1,17,21 70:16,21 72:25</p>
--	---	---	---

[mitchell - neither]

73:3,10 91:13,16 93:8 162:21,24 163:7,10 168:24 172:8 mix 152:3 153:8 mnuchins 87:4 modality 156:6 model 80:11,17,18 81:6 82:2 138:21 140:12,13 models 139:20 modicum 101:17 122:19 modular 87:9 mole 64:7 moment 7:4 10:10 18:20 23:9 25:6 26:25 27:2,17 28:4 43:11 68:9 71:22 78:6 90:24 91:24 92:11,22 112:5 122:11 155:18 163:5 173:17 moments 142:9 monday 90:8 154:17,22 157:22 158:21,22 164:12 167:13 money 22:14 83:20 85:22,24 88:4 100:16 102:6 130:11 133:2 137:14 147:21 148:12,13,14 monica 43:11 monies 85:20,21 months 7:20 41:11 41:12 44:9 46:15 48:3,19 53:18 60:14 64:4 99:17	134:12 morning 5:12 26:14,14 82:16 91:7 150:5 165:10 mornings 110:20 mosaic 14:20 78:24 motel 123:3 138:24 160:2 motels 20:6 100:7 mother's 59:23 motion 84:1 motor 115:1 mouth 101:11 move 23:23 25:18 33:6 41:13 47:25 48:7,8,11,12,15 51:8 57:3,15,19 83:12 99:18 102:21 104:15 110:7,10 111:7,8 121:23 133:10 137:6 150:19 170:22 173:9 moved 62:1 99:14 99:22 movement 74:25 moving 14:23 21:8 46:15 61:19 82:3 84:25 98:25 102:18,20,20 111:2,3,6,16 120:18 133:25 160:17 172:19 multiple 47:16 multitude 128:8 municipal 55:8 115:9,24 117:25 municipality 79:3 79:6 154:10	myers 3:20 54:21 61:14 93:11,17,21 94:8 120:24 121:3 121:11 125:1 126:3,7 127:7 144:17,19 145:12 163:13,16,19,23 164:2,7 171:3,11 171:18 173:25 myriad 18:13 n n 2:1 3:1 4:1 5:1 naiveness 38:11 name 27:5,10 35:15 41:25 42:3 named 109:5 names 6:9 43:6 narrative 24:9,15 narrow 10:7 nation 10:14 nation's 10:24 natural 17:5 navigation 8:8 naysayers 22:19 near 40:4 147:12 nearly 12:4 necessarily 144:8 necessary 157:16 158:12 160:3,7 necessity 83:10 need 9:22 16:12 21:19 22:24 24:21 28:3 37:11 40:20 40:21,25 48:19 57:20,20 58:11,16 62:1 70:11 71:10 84:13 87:17,18,20 88:2,16 99:15 121:21 126:18 130:22,23 131:2 131:24 132:4	133:18 137:5 138:19 139:8 148:14 149:5 155:21 156:1,1 157:10,17 158:6 167:7 168:17 171:7,24 172:10 needed 21:4 38:6 92:8 117:10,10 151:21 173:22 needlessly 158:8 needs 8:6 23:4 48:16 50:18 61:24 61:25 63:7 66:5,5 66:6 71:9 111:8 130:17 133:16 152:2 170:24 neglect 15:21 neglected 113:5 negotiate 25:14 144:22 145:4 171:4 negotiating 37:18 negotiation 166:5 169:14,15,18,19 negotiations 6:13 8:14 159:16 160:6 neighbor 11:13 neighborhood 20:13 neighborhoods 10:4 20:15,15,22 21:12 22:2,4,15,24 23:13 99:20 neighboring 104:13 108:17 neighbors 19:15 24:11 neither 109:19 175:10 176:7
--	--	---	--

[net - okay]

<p>net 11:9</p> <p>never 17:15,16,18 17:19 61:3 75:6 77:13 85:19 105:16 111:14 138:1 140:24 141:3,3 146:15</p> <p>new 15:13 24:6 80:22 131:17</p> <p>newman 3:21 27:7 27:7 28:20,23 29:2,15,17,21,24 30:4,7,12,20,25 31:4,8,11,15,23 32:2,4,6,10,14,16 32:21 33:3,5,11,17 33:19,23,25 34:2,5 34:9,11,14,21 35:3 35:11 36:4,10,19 36:24 37:5,15 38:2,14,18,22 39:9 39:14,16,19,23,25 40:3,7 41:2,18,20 42:1,8,13,17,20,23 43:1,15,18,20,25 44:13,17,19,22,25 45:9,12,14,18,21 45:24 46:2,5,9,13 46:16,21,23 47:4,7 48:21 49:14,20 50:4,8,12,22,25 51:6,12,14,18,25 52:6,11,15,17,24 53:1,11,13,17,19 54:2,7 55:16 70:4 70:13 72:11,15,17 72:20,23</p> <p>newport 101:12</p> <p>nice 101:23 102:16 110:2</p>	<p>nicer 137:1</p> <p>night 16:10 89:15 89:18 90:6,6 95:18 109:6 112:14 127:9,9</p> <p>nightmare 140:15</p> <p>nimby 157:13</p> <p>nimbyism 94:19 94:21</p> <p>nimbys 22:19</p> <p>nimybism 21:14</p> <p>nineteen 72:25 73:3,3</p> <p>ninth 79:4 124:10</p> <p>nod 6:20</p> <p>nonhousing 126:9</p> <p>nonissue 141:6</p> <p>nonparties 13:19</p> <p>nonsense 17:14</p> <p>noon 167:22 168:4 168:6,7,8</p> <p>normal 159:19</p> <p>normalized 11:17</p> <p>normally 14:2</p> <p>north 2:20 47:22 92:5 97:17</p> <p>notary 1:18 175:1 175:18</p> <p>note 13:14</p> <p>notes 15:13</p> <p>notice 5:15 6:8 32:23 117:4 163:1</p> <p>notified 109:22</p> <p>notion 72:6 130:20 131:19</p> <p>number 18:13 66:11,14 68:2 75:21 80:9,10 83:13 87:24 93:24 105:12,20 107:7 112:16 114:5,6</p>	<p>115:3,4,4 116:18 119:7 129:9,19,22 137:7 138:2,6 139:17 147:19 150:21 156:4 157:1 161:8 162:11 168:21 172:24</p> <p>numbers 10:8 26:5 83:24 85:11 86:12 107:3 129:4 129:13,21,24 131:1 136:24 137:20 145:16</p> <p>numerous 108:1</p> <p>nurses 40:21 128:5</p> <p>nury 3:17 14:10 18:19,21,24 19:2,6 24:25 25:3,7,10 27:1 82:16 140:11</p>	<p>119:8 160:25</p> <p>occurred 11:20 14:3,8 147:15</p> <p>offer 56:2 102:22</p> <p>offered 55:23 62:13,21,22</p> <p>office 5:10 44:1 115:15 131:15 166:6,14,22 170:1 170:2,3</p> <p>officer 117:5 118:11 175:2</p> <p>officers 114:20 121:21</p> <p>offices 158:18</p> <p>officially 169:15</p> <p>officials 11:24</p> <p>oh 24:25 25:4,10 35:19 68:13 98:5 121:10 130:4 133:1,2 158:11 167:14</p> <p>oil 92:5</p> <p>okay 6:21 15:25 18:19 25:7,11 26:9,24 27:8 29:9 29:17,21 30:8,14 30:23 31:2,15 32:5,15 34:4,15 35:10 36:9 38:17 41:6 43:2 44:15 44:20 46:2,14,22 47:4,8,16 48:21 50:12 52:5 53:12 53:21 54:8,13 55:24 56:25 58:21 65:23 67:4,22 69:1,16,20 71:21 71:22 72:14,16,24 73:6 78:5,7,18,21 82:19,22 83:2,24</p>
		<p>o</p> <p>o 1:14 5:1</p> <p>object 169:16</p> <p>objected 55:11 145:23</p> <p>objecting 94:1,23</p> <p>objection 94:4</p> <p>objective 156:3</p> <p>objectives 16:8</p> <p>obligation 23:12</p> <p>obligations 19:13</p> <p>obstruction 116:4</p> <p>obvious 22:11</p> <p>obviously 68:19</p> <p>occasion 7:8 25:20 47:2 79:11 112:2 119:5 120:17,20</p> <p>occasions 119:8</p> <p>occur 14:17 16:14 33:12 116:16</p>	

[okay - parties]

84:19 91:3 92:21 93:5,6,20 95:1,1,6 95:21 97:21 101:22 102:9,24 103:8,20,24 104:7 104:7 107:25 109:8 110:1 112:22 113:20 114:4 116:2 121:24 122:7 123:4 127:10 132:8 134:13 136:12 137:25 138:18 141:9,14 142:16,21 143:1 143:18 144:8 147:8,11 149:18 150:4,14 151:16 155:19 156:13,24 157:19 159:3,5,6 160:20 161:22 162:4 164:6,23 165:2 166:10,13 166:16,18 167:5 167:14 168:1,2,14 168:16,20 171:10 173:17 174:2 old 80:11 81:25 114:18 117:8 131:16 132:15,16 133:7,20,25 141:7 older 74:25 olympic 3:5 once 9:6 53:25 71:14 76:24 101:24 109:2 119:17 120:6 141:17 142:7 onerous 108:16 139:2	ones 65:20 115:10 121:17 ongoing 159:15 160:4 online 153:2 open 76:19 80:12 81:6 82:7 97:6 141:14 144:25 opening 147:19 opens 5:7 operate 84:4,8 operates 82:20 106:25 operating 84:25 117:8 operation 15:12 opinion 122:23 144:20 opportunities 19:23 opportunity 19:8 24:21 74:25 142:8 opposed 36:11 114:14 option 63:1,2 98:25 99:9 102:22 124:22,23 170:10 options 170:10 orange 17:19 106:15,20 107:8 147:9,15,18 149:15,16 153:15 order 9:2 23:13 36:7 60:1 83:14 130:11 151:20 159:10 ordered 6:12 ordinance 104:16 104:18 108:16 ordinances 104:9 104:9,10,14,23	105:4 117:25 121:8 oriented 113:14 ought 47:23 55:21 131:21 161:1 outcome 175:15 176:12 outdoor 77:6 outlandish 142:6 outline 155:7 outside 67:6 161:4 overall 152:8 overarching 79:1 81:9,24 103:10 overdue 23:10 overflow 20:23 overlay 80:21 overlook 24:5 overpass 44:24 49:25 50:1 54:16 overpasses 34:18 49:12 57:10 overtime 118:11 overwhelming 23:4 owned 130:1 ownership 36:6 oxygen 138:10 p p 2:1,1 3:1,1 5:1 p.m. 150:21 161:8 162:12 165:8,8 174:7,9 page 4:8 145:21 paid 133:21 painful 20:14 pallet 30:19 36:12 36:18,23,25 37:3,6 87:10,11 93:8 94:22 96:3,10 99:25 100:2	pandemic 18:22 49:10,12 159:20 159:25 pang 11:16 paper 52:14 paraplegic 75:3 pardon 89:12 162:23 parent 113:1 park 21:18 39:10 39:25 40:3 41:3,4 46:17 75:12,17,18 76:5,6 parking 39:6 40:4 69:3 94:10 98:11 102:15 138:23 168:25 172:15,20 parks 8:7 76:17 77:22 102:21 part 8:21 15:8 65:15 67:21 70:11 94:15 100:15 106:1 114:22 136:2,5 144:13 157:6 162:25 parte 13:18 partial 14:22 partially 38:19 participate 66:24 67:3 144:11,13 particular 36:24 79:21 103:14 123:18 129:17 142:25 160:3 parties 7:19 13:17 23:20 27:20,24 28:2 71:20 144:21 155:24 157:15,23 159:13 162:17,17 162:18 164:9 169:16 170:5,7,21
--	--	---	--

[parties - piece]

171:7,12 172:13 173:20 175:11,14 176:8,11 partners 12:16,17 48:9 56:2 partnership 37:13 parts 9:9 11:21 22:8 145:24 party 42:11 144:10 169:22 pasadena 43:16 87:24 128:10 pass 40:12 passed 118:16,17 127:4 147:22 passes 35:13 passion 104:1 path 19:12,24 pattern 110:3 paul 59:15 66:18 80:4 pay 5:9 15:2 66:20 84:15 115:17 118:12 130:11 135:16 148:5 paying 89:8,9 pays 89:25 pch 56:23 58:1 pedro 38:23 47:22 penal 116:1 people 6:11 7:24 7:24 9:15 10:2,10 10:17 15:11 16:5 18:6 19:18 20:5 24:2 25:16 26:17 28:17,18,20 29:3 29:20,25 30:4,17 30:24 32:12 33:1 33:15 34:19 35:1 35:8 40:10 43:3,7 44:20,23,25 48:24	49:11,16,24 50:20 51:2,4 53:4 55:9 55:11,20 56:11,20 57:25,25 59:16 60:8,20 61:17,18 61:21 62:1,1,21,24 66:4 67:13 69:5 73:19 74:3,5,6,14 74:15,22 75:1,12 75:22 76:2,5,15,23 77:1,11 78:3 79:15,17 80:2,3 81:14,19 83:5,15 83:16 84:12 85:13 86:6,10,12,14,19 86:25,25 87:6,15 88:5,9,11 91:7 92:14,16,19 94:18 95:4,23 96:2,11 98:18,23 99:22 101:1,9 102:20,20 102:21,23 103:13 103:22 106:2,3,23 107:1,4,6,7 109:1 109:8,9,14,18,19 109:24 110:9,21 111:3,10 112:12 113:18 114:12,17 115:1,11,17,18 117:22 118:10,22 119:7 120:10,19 121:9,14 125:10 126:22 127:2,20 130:16,22,25 131:14,23,24 134:16,21 136:22 137:7,14 138:2,11 138:14 140:4,8,18 141:4,6,8 142:11 148:10 159:21 160:1,17 163:1	165:10 171:24 172:2,8 perceive 117:9 133:7 perceived 111:5 135:15 percent 9:12,12,15 10:2,6 12:2,3 15:10,12 63:5 80:8 82:17 83:3 85:10,15 87:15 96:13 99:24 100:23 105:15,15 105:16,18,19,19 106:6 111:10 133:12,14 136:24 136:25 137:1,5 138:11,14 percentage 87:19 87:20 106:9 107:2 139:22 perception 105:25 112:14 122:15 perfect 98:24 151:9 period 14:14 15:22 28:15 33:16 36:2 54:14 67:6 69:22 70:17 74:13 91:4 111:6 112:18 112:25 132:11,17 137:8 periodically 114:11,22 permanency 101:22 permanent 85:2 88:3 100:7 136:23 153:10 persisted 11:7	person 6:22 11:22 27:11 32:1 41:21 41:25 42:4 75:14 75:15,15,19 81:8 84:2,12 90:14,19 110:15,19,24 111:1,8 114:16 116:16,22 117:17 117:19 121:20 124:18 126:16 135:12,18 person's 9:20 personal 15:5 20:23 96:8 122:23 123:6,24 personally 49:17 89:7 personnel 128:23 persons 6:14 perspective 101:15 107:13 153:14 163:3 pet 127:5 pets 77:14 ph 42:18 85:13 110:14 148:18 phelps 3:4 phillips 3:4 phone 15:3 26:3 26:18 63:23 physically 75:2 pick 26:2 39:4 61:25 62:20 90:2 90:5 146:18 picked 45:5 101:7 piece 27:16,19,22 28:5,12,16,16,18 31:5,13 32:12 43:23 46:10 66:16 128:9,11 133:17 133:17,25,25
--	---	---	---

[piece - principals]

<p>156:5 piecemeal 134:14 149:7 pieces 28:8,16 38:7 39:1 47:15 47:16 52:16 59:20 65:14,16 66:12 72:2,6,9,19,22 73:3,7,8 127:13,15 127:17 128:15 pipeline 100:20 pitiful 135:13 pivoting 35:6 place 7:10 11:21 39:11 40:10 42:9 42:22 52:4 55:2 56:19 57:16,19 66:6 74:23 77:9 92:18 99:11,11 105:10 109:21 116:23 119:1 120:10 121:9,14 126:22 129:21 130:23 131:25 133:6 135:8 138:16 143:6 144:2 154:11 173:19 placement 136:23 placencia 110:14 147:22 places 55:9 57:12 92:14 129:25 154:20 171:25 172:1,23 placing 61:17 plain 36:19 plaintiffs 1:6 2:2 151:6 153:24 164:3</p>	<p>plan 16:4 36:20 57:20,21 58:12,14 58:17 59:3,6 60:12,15 63:9 65:10 71:13,19 74:8,10,20 75:25 76:1,16 78:10 86:21 89:2 103:9 104:4 132:6 141:20 154:22 155:8 159:24 164:17 167:9 plans 69:12,23,24 70:2 156:11 plant 97:14 play 50:15 please 7:14 47:10 81:4 91:22 144:14 151:2 168:5 pleased 7:17 97:22 pleases 47:18 pleasure 5:19 pledge 27:23 41:22 47:13 53:23 54:13 pledged 6:4 point 28:17 33:5 48:5 49:16 54:22 55:14,23 56:17 63:21 83:9 104:6 105:8,10,13 111:8 122:9 124:2 134:4 136:8 137:3 154:6 154:7,7,24,25 166:23 pointblank 96:21 pointing 11:25 points 122:6 145:19 154:19,20 poisoning 53:5</p>	<p>police 113:23 114:11 115:2 117:5,25 118:17 policies 20:20 86:17,17 103:11 policy 12:11 23:23 35:4 118:12 119:5 polite 42:21 poll 12:4 pony 111:13 139:4 pools 88:17,23 poor 22:13 24:6,10 pop 30:19 popular 72:6 population 12:3 75:22 131:2 portion 73:12 position 83:9 105:17 112:9 154:10 169:2 172:4 positions 24:16 positive 13:13 56:20 83:16 143:6 possessions 104:5 possible 5:6 6:3 12:9 13:23 138:3 159:14 possibly 16:14 post 57:3 potential 65:12 74:13 potentially 52:17 167:7 173:21 pound 133:9 pounds 101:6 power 22:15 41:22 133:11 practice 110:4 pre 38:20</p>	<p>precedence 136:6 precious 20:21 preclude 160:10 precluded 108:20 predicated 52:7 prefer 61:12 preliminarily 6:13 preliminary 5:5 143:16 premises 82:21 prepared 59:14 176:3 prerogative 164:5 presence 5:13 67:6 111:16 present 3:10 presented 13:23 121:4 president 14:10 16:2 18:18,18 19:5 press 145:23 presumes 124:19 124:23 pretax 84:20 pretend 90:23 pretty 13:7,7 16:20 17:21 52:13 97:21 104:10,14 109:16,17 134:16 135:21 prevail 134:15 prevent 154:6 163:16 prevents 157:9 previously 104:18 173:18 pride 10:25 primarily 39:21 principals 6:17</p>
--	---	---	---

[principle - pursuant]

<p>principle 151:13 151:14,23 156:12</p> <p>principles 24:3,17</p> <p>prior 109:12,12 175:4</p> <p>prioritizing 59:1</p> <p>prison 77:9</p> <p>privacy 77:5 91:20</p> <p>private 56:23 80:15</p> <p>privately 15:25</p> <p>pro 115:16</p> <p>probably 26:13 31:6 56:18 62:24 67:12 83:11 85:21 87:14 133:12 145:15</p> <p>problem 11:7,12 11:25 12:11 14:3 14:8 15:20 17:25 25:22 40:24 55:16 55:17 56:9 62:12 63:19 66:23 77:12 84:23 88:16 94:6 94:15 115:25 120:23 121:11 129:16 132:23 133:7 135:2,3,5 141:6 147:20</p> <p>problematic 171:23 172:2</p> <p>problems 13:20 14:16 59:21 64:1 116:12 118:21 128:21 132:10 133:10 149:3</p> <p>procedure 14:24 32:23 53:15 59:15 60:18 62:7 63:25 65:4 66:9,22,23 81:13,17</p>	<p>procedures 81:22 103:11</p> <p>proceed 170:3</p> <p>proceeding 137:18 174:9 176:4</p> <p>proceedings 5:23 175:3,4,5,8 176:6</p> <p>process 6:16 8:21 9:7,18 14:24 16:19 37:15,17 48:2 53:15 54:25 59:15 60:17 62:6 63:22,24 65:3 66:8,21,22 67:17 68:17 79:14,15 81:13,17,22 144:13 155:11 157:2,4,7,8,14</p> <p>processors 33:20</p> <p>proclaim 11:24</p> <p>produce 9:24 85:1 96:3,14,16 97:9,12 99:2</p> <p>product 97:16,18</p> <p>productive 151:7 156:21</p> <p>profusely 46:25</p> <p>programs 148:22</p> <p>progress 9:20 21:6 86:20 143:10,20 153:20 155:25 159:1</p> <p>prohibitive 131:19</p> <p>project 62:23 157:12 159:24</p> <p>promise 138:13 141:22 143:23 172:17</p> <p>promised 173:1,8 173:14</p>	<p>promises 24:5</p> <p>proof 83:2</p> <p>prop 85:1</p> <p>proper 118:7</p> <p>properly 10:15</p> <p>properties 38:19 41:14 62:19 63:16 66:3 69:9 71:9,11 72:12 87:6,9,23,24 131:13,13 132:1,2</p> <p>property 27:16,19 27:22 28:5,8,12,16 28:18 30:15 31:6 31:13,14,16,17,17 31:21,22 32:12,22 35:13 36:5 37:19 38:7,8,15 39:1 43:21,24 44:2 46:11 47:15,16 52:9,16 59:18,20 62:20 64:20,23 65:14,16 66:12,16 69:2,11,14,17 71:2 71:16,18 72:2,6,9 72:19,22 73:4,8 92:15,19 114:19 127:13,15,17,19 128:1,9,9,11,16,17 130:1,10 141:1 170:23 171:21</p> <p>proposal 36:5 37:2 65:2</p> <p>proposals 26:21 145:11</p> <p>propose 139:25 143:9</p> <p>proposed 37:17 47:21</p> <p>protect 20:25 75:11 83:14</p>	<p>protected 77:24 138:23</p> <p>protecting 73:21</p> <p>protects 140:24</p> <p>provide 23:10,25 70:25 71:11 158:25 167:21</p> <p>provided 153:9 169:20 172:6</p> <p>providers 60:21</p> <p>providing 23:11 86:19</p> <p>provision 50:17</p> <p>provisions 156:23</p> <p>provocative 79:10</p> <p>public 1:18 8:7 9:23 11:24,25 20:21,25 21:1 23:12 76:5,22 83:24 105:25 115:6 135:5,9,16 136:16 163:9 164:11 175:1,18</p> <p>publicly 28:14 82:14 106:14 136:14</p> <p>published 82:24 88:14</p> <p>pull 77:10</p> <p>punished 22:21</p> <p>purchase 91:22 101:24</p> <p>purchased 95:16 100:7</p> <p>purely 122:3</p> <p>purpose 114:15</p> <p>purposes 57:2 123:10</p> <p>pursuant 170:21 170:25</p>
--	--	---	--

[pursuit - red]

<p>pursuit 13:19</p> <p>pushback 95:13 99:9</p> <p>pushing 19:19,19 92:7 97:15,18 140:7 151:17</p> <p>put 6:6 15:21 17:24 26:9 32:19 34:16 36:22 37:3 37:6 45:6 56:19 78:13 84:2 97:24 98:11 99:10 101:4 101:5,13 102:23 113:6 128:19 131:20 132:12 134:2 159:10 161:23 169:21,24</p> <p>putting 83:5 110:11 117:23</p>	<p>quibble 133:14</p> <p>quick 36:2 66:17 111:9 128:25 138:5 172:16</p> <p>quicker 54:14</p> <p>quickly 5:6 6:3 46:15 48:7,8 53:9 106:8,10 138:2 140:4 160:24</p> <p>quietly 59:12</p> <p>quite 18:16 43:14 49:19 59:13 68:20 84:15 97:12 128:19,21 134:17 135:24 172:22,22</p>	<p>reached 150:7,17 154:3,4 172:4</p> <p>reaching 153:19</p> <p>read 10:10,11 139:18,19 145:22 146:6,15,18,22,22</p> <p>readable 13:12</p> <p>ready 24:14,15 56:1,23 67:3</p> <p>real 18:10 19:21 85:18 97:22 111:9</p> <p>realistic 89:5</p> <p>reality 10:18 72:4</p> <p>realize 114:9 148:15</p> <p>realized 113:4</p> <p>really 13:6,21 21:6 31:19 32:1 47:24 55:7 61:7 66:12 66:19 75:21 76:21 78:17 81:15,21 82:7 83:23 85:6 87:3,17 89:4,5 91:8 101:4 103:25 104:6,14 113:2 114:23,24 120:8 123:3 128:13 129:15 130:21 131:6,6 132:13,20 133:5 137:2 141:5 141:18 143:20 146:16 148:1 156:18 160:19,20 171:23</p> <p>reason 113:10,25 114:2 118:3 155:9 158:5 169:23</p> <p>reasonable 67:24 125:20</p> <p>reasons 51:11 61:4 64:9 74:18 143:9</p>	<p>164:10 171:1</p> <p>rec 15:11 83:17,17 163:2</p> <p>received 37:16 63:16</p> <p>recess 78:6</p> <p>recidivism 96:13</p> <p>recognize 52:1,3 105:8 107:17 160:24</p> <p>recognizing 156:20</p> <p>recollection 145:22</p> <p>recommend 165:9</p> <p>record 5:3 6:7 15:7 17:24 18:2,5 28:15 53:25 54:18 68:3,4 78:14 97:24 101:4,13 120:5 128:19 150:22,23 151:1 161:6,9,10,13 162:10,12,13 169:22,24 170:25 174:8 175:9 176:5</p> <p>recorded 175:6</p> <p>recording 175:8 176:4</p> <p>recoup 117:11</p> <p>recovery 96:5</p> <p>recreation 75:12</p> <p>recreational 30:9 30:18 31:6 39:6 40:18 76:7,19 102:22 122:22 123:1,24 125:5 159:19</p> <p>red 41:16,23 47:23 48:14,16 96:6</p>
<p>q</p>	<p>r</p>		
<p>qualified 175:7</p> <p>quality 8:6 121:19</p> <p>quan 5:15</p> <p>quarters 31:7,9 38:12</p> <p>question 22:8 29:19 30:9 37:11 39:12,13,15 41:7,9 42:7 44:12 45:3 50:16 85:17 110:7 112:14 130:14 135:20 147:7 153:13 154:3 156:18 161:3</p> <p>questioned 27:9</p> <p>questions 7:16 47:1 54:9,10,10 67:8 74:7 148:17 155:10,16 161:21 163:17</p>	<p>r 2:1 3:1 5:1</p> <p>rabbit 43:19,23</p> <p>racial 86:4</p> <p>radius 140:2</p> <p>rage 142:16</p> <p>rain 51:17</p> <p>raised 48:25 147:17,18 154:7</p> <p>raising 74:1</p> <p>ramp 128:2</p> <p>rank 61:23</p> <p>rapid 87:1 152:2 156:7</p> <p>rare 119:4</p> <p>rate 74:13,18 96:13 99:23 106:5 136:22</p> <p>raw 20:18,18</p> <p>rcx 4:2</p> <p>rdx 4:2</p> <p>reach 6:19,19 10:1 10:7 66:2 81:17 81:24 139:5 146:3 150:6 157:5 158:6</p>		

[redevelopments - reusable]

redevelopments 86:18	released 111:21 117:19	represent 17:25 115:18	138:7 172:25 173:11
redrawn 17:13	relocate 34:23	representation 116:13	respect 30:22 55:16 151:24
redress 116:15 117:9	reluctant 141:18	representative 54:22	152:3,20 153:13 155:21,25 158:2
reduce 101:17 115:12,23 157:17	remedy 116:24	represented 7:9 164:9	respectfully 118:18
reduced 115:8 175:6	remember 37:25 76:13 77:21 79:24 92:3 100:24 113:6 115:7	repurpose 131:13 131:22	respects 5:10 respond 95:6
refer 44:5 146:15	remind 118:15	repurposed 94:20 131:15	responders 128:23 responding 8:5
reference 146:14	remote 11:21	repurposing 132:3	response 77:1 83:25 108:15 132:8 166:20 173:4
refinement 154:23	removable 102:14	request 60:2 83:20 84:1 139:16 159:10,11 160:15 162:21	responsibilities 20:20 21:15
reflection 89:24	removal 35:5	requested 166:19	responsibility 11:23 12:12 23:14 45:8 132:9 133:3 133:22 148:11
refreshing 78:17	remove 41:16,23	require 36:25 94:24 103:15,21	responsible 31:22 34:24 35:3 42:11 45:4
refusing 121:22	removed 34:23	required 145:21	responsive 15:3
regard 35:4 45:9 54:3	removing 32:12	requirement 35:14 36:14	rest 5:23 17:5 22:25 75:16 112:12 137:11
regardless 73:7	rent 84:18	rescue 56:19 83:15	restore 23:13
regards 32:16,22	renting 89:9	reside 29:3	restriction 29:2 restrictions 30:17 83:10
region 16:6	repeat 17:7 78:11 81:7,12 90:1	residential 171:23 172:2,3	result 86:15,16,16 90:22 117:2 134:15,19
regular 156:9	repeatedly 49:2 111:7 112:10	residents 7:21,21 8:6,16 77:7,8	resulted 20:20
rehousing 87:2 152:2 156:7	repetitively 117:5 117:7	resolution 18:10 62:8 156:22 157:3	retrospect 92:7
reimburses 84:11	replaced 12:12 36:20	resolve 8:22 56:9 145:3	returning 6:2
rejection 10:22	report 28:4,14 35:15,16 83:20,25 88:14,21 89:22 151:6 158:25	resolved 128:4 143:21 149:14,15	reusable 102:14
relate 155:17	reported 1:18	resolves 125:11	
related 175:10 176:7	reporter 10:12 68:1 150:20 161:7 162:10 168:4 174:7	resource 75:23 76:8	
relating 156:6	reporting 155:22 155:24 156:10	resources 10:8 23:10 66:3 75:7 90:17,18 131:5	
relation 159:7	reports 63:16 89:1 131:1		
relationship 43:4 133:4,24			
relationships 23:22 77:16			
relative 175:12 176:9			
relatively 60:25			
release 113:25 118:6 119:5 120:13 156:16,19			

[reuse - seeking]

<p>reuse 101:24 reusing 102:17,18 reverse 74:3 review 69:10 70:2 154:19 160:21 revisited 43:25 revolving 90:15 richest 10:14,14 ride 41:4 rides 39:11,25 40:4 41:3 46:17 right 5:2 6:25 9:1 14:25 20:8 21:1 22:21,22 23:12 25:5 26:1 31:7 32:10 36:24 46:5 48:13 52:15,20 56:15 59:23 61:18 63:22 69:2 71:14 72:11 79:3 83:7 85:15,17 94:12,13 95:10,14 96:14,24 97:2,25 98:9 101:14 102:3 103:9 105:23 106:7 108:9,16 110:18 115:12 122:18,20 126:13 134:3 135:1,8 136:21 138:4,12 138:25 140:5 141:19,21,25 145:1 146:1 150:14 152:19 153:9 155:13 159:7 162:16 165:7 168:21 172:9 174:5 rights 1:4 144:23 145:5</p>	<p>rise 12:20 rises 86:18 risk 127:3 river 100:24,25 101:2,10,12,14,16 riverbed 100:22 road 131:4 robe 6:1 robust 19:10 rodota 99:22 rodriguez's 43:11 roll 19:17 roof 9:16 26:16 roofs 169:8 room 2:20 6:21 26:17 27:25 62:23 92:15,15 99:12 125:14 138:10 140:23 160:15 165:19 166:7 roomkey 15:12 62:23 157:12 159:24 rooms 15:13,14 125:10 138:24,24 160:2 166:12 rough 47:2 151:20 roundtable 88:14 row 15:15 115:13 115:16 rows 11:17 rules 20:23 ruling 122:18 run 6:15 43:19,23 76:11 92:2 running 8:9 76:10 94:19 runs 28:5 123:7 rural 11:20 rv 94:10 172:15</p>	<p>rvs 22:5 36:11,11 37:2,6,19 170:14 s s 2:1 3:1 4:7 5:1 18:5,5 safe 11:6 55:22 57:11,13,18 73:17 safer 56:18 82:25 98:14 safety 11:9 49:18 169:6 sakes 134:24 138:12 sales 147:23 salvation 131:16 san 38:23 47:22 131:17,20 santa 101:9,12 106:21 saturday 59:23 90:6 saw 40:25 87:3 112:15 128:3 saying 17:20 37:5 52:2 61:15,16 70:5 71:1 76:17 80:1 92:2 94:24 104:19 119:8 148:21,25 152:16 155:2 says 66:2 137:6 scale 95:3 scenes 103:22 schedule 59:6 153:1 168:4 scheme 139:22 schizophrenia 74:17 75:2 school 75:11 schools 73:17,23</p>	<p>scope 156:19 scott 2:18 170:1 scott.marcus 2:22 screaming 135:12 script 111:24 search 5:16 seat 92:11 seats 60:2 seattle 97:5 second 8:4 13:5 49:1 159:23 secondary 74:12 74:15 secret 83:23 sector 12:13 sectors 10:15 secure 7:11 92:17 security 5:17,22 148:21 see 5:19 14:1,2 18:14 20:12,14 21:6 27:20 32:8 34:17 39:23 40:16 40:25 47:15 59:7 59:10,18 66:4,5 70:10 75:25 76:7 76:20 87:3 91:23 93:4 96:19 100:3 103:19 105:15 117:6,7 135:12,13 135:23 136:16 137:10 142:12 147:3 150:16 155:2 164:16 165:16 seeable 9:21 seeing 66:12,22 85:9 135:9 145:23 seek 116:15 seeking 9:15</p>
---	---	---	---

[seen - simply]

<p>seen 17:15,20 20:3 20:7,17 63:20 73:21 89:23 134:20 157:12 160:8 sell 130:10 send 17:4 66:20 139:4 sending 115:3 sends 114:23 seniors 10:19 sense 11:1 14:22 20:10 78:15 113:11 156:12 sent 47:1 sentence 113:6 separate 136:3 138:24 separately 82:14 serious 16:23,23 servants 11:25 serve 32:23 served 33:20 90:14 service 50:17 services 3:14 8:16 58:7,10 60:22 107:20,20 121:22 127:1 130:18 132:24 133:15 148:24 159:17 session 5:4,11 28:1 37:12 150:4 155:15 158:4 set 66:25 69:10 70:25 91:6 92:24 94:4 98:6 99:16 99:23 102:13,14 106:17,23 123:19 154:2 167:16 172:14,19 173:5</p>	<p>173:14 setting 95:23 98:5 102:11 106:21 settings 126:16 settle 143:13 settlement 7:8,13 7:18 8:5 9:1 16:4 16:14,19 24:16 73:19 78:11 79:1 80:6 83:22 87:18 89:4 103:11 104:21 116:25 125:17 130:24 149:9,16 155:17 157:23 159:15 160:4,6,10 settlements 33:20 41:14 73:15 122:5 seventh 166:7 severe 75:14 severely 75:19 76:5 shade 77:5 shallow 134:9 shame 134:18 shamed 22:9,10 shameful 12:1 shaped 118:20 share 20:14 21:15 21:24 22:1,9,24 23:15 163:24,24 163:25 164:3,4 shared 12:12 77:15 92:15 sharing 99:20 sharon 98:20,21 98:22 128:25 shayla 3:20 54:20 55:5 93:10,19 98:16 121:13 126:6 145:13</p>	<p>sheet 52:14 144:2 sheila 85:12 shelter 9:15 10:3 21:3 33:7 37:14 44:6 46:17 56:17 74:14 77:9 83:12 84:3,5,12 86:8 89:8 90:24 95:19 100:1 105:13,18 105:21 106:2,5,23 107:1,19 123:1,19 124:18,25 125:7 125:18,20 126:10 126:11,15,17,21 126:23 130:23 136:19,23 137:4 138:12,15,19 152:2 153:11 sheltered 107:8 159:21,21 160:1 sheltering 35:8 shelters 15:10 20:17 22:3 36:12 36:18,23,25 37:3,6 83:13 84:13,24 86:22 87:20 93:9 96:3 100:2 123:15 123:16,24 124:20 124:23 125:5 126:14,15 127:1,9 130:21 132:5 136:25 147:19 148:6 sheriff's 89:25 128:23 shipping 102:7 shirts 96:6 109:25 109:25 shopping 147:24 short 15:22 41:18 52:9 54:14 72:11</p>	<p>87:19 132:17 137:8 shortage 11:11 shortened 49:24 shortening 49:13 51:1 shortly 8:9 shoulder 21:13 shouldn't 134:17 show 9:19 27:2,17 28:4 92:4 98:12 100:20 111:14 139:4 showed 8:3 shown 22:17 shuffle 158:7 side 14:5,6 74:6 76:17 78:5 79:11 100:20 103:17 113:17 117:1,6,7 119:9 140:9 sides 9:14 19:19 sidewalks 11:5 47:25 sight 135:22 sign 41:12 signature 176:14 signatures 7:11 signed 7:19 9:5 41:10 significant 14:14 85:16 137:7 169:6 silent 18:8 silly 30:9 silva 128:25 simple 13:12 31:20,20 32:1,9 148:9 simply 20:11 22:20 54:25 134:5 167:16 173:20</p>
--	--	--	---

[single - spending]

single 84:2	slightly 41:3	141:10 145:18	49:25 93:18
sir 5:14 27:5 34:11	slow 98:5	146:2,5,23 147:7	124:21 126:5
34:21 41:8 42:8	slowly 10:11	147:14 149:13	159:18 167:23
43:25 44:14,17	129:17	151:14,17	sort 156:11 157:4
47:4,23 48:13	small 11:20 24:20	social 11:9	167:12 170:16
49:17 52:15,24	38:4 52:13 60:6	societal 22:20	sorts 128:21
56:24 105:6	67:20 92:15 94:15	solution 8:15	souls 47:25
sister 11:13	smart 28:13	12:14 13:20 14:4	sounds 140:5
sit 54:25 59:23	smith 7:6 8:11	24:6 85:18 88:4	south 1:16 168:25
144:1 158:8	27:4 80:14	92:3 94:16 95:8	169:3
site 36:11,11,20,25	snuck 128:21	98:18,19 100:4,5,6	spa 79:7,12,12
47:21,22,25 56:23	sobel 3:22 7:3 55:5	100:6 108:4 116:8	140:14
69:25 70:3 99:15	55:13,19 56:13	116:10 135:4	space 20:21 35:9
99:18,23 140:1,1,3	57:7,12,17,20,24	solutions 19:21	37:19 83:14 123:3
169:1,5,13,16,17	58:4,7,9,15,18,25	22:3 24:9,18	123:4
170:3 171:13	60:5,8,16,19,25	48:12,15 106:10	spaces 8:7 12:8
172:6,9	61:2,5,10,12 62:12	116:12 125:10	15:12 77:6,15
sites 57:16 65:12	62:16,19 63:3,6,10	132:10 149:3	125:9 129:7,14,22
70:20,24 71:12	63:13,15 64:5,8,11	153:2	sparring 12:17
140:7 156:11	64:14,16,19,24	solve 15:22 67:23	speak 26:25 36:14
169:18,20 171:5,6	65:2,6,8,11,17,20	solved 12:18,19	42:5 48:23 51:12
171:9 173:3,22	65:25 67:10,12,16	134:19 138:13	51:18 81:3 82:16
sitting 7:12 114:18	67:19 81:10 82:13	somebody 6:7	91:5
135:14 149:20	82:20,23 83:8	37:11 42:15 68:16	speaker 3:24,25
situation 83:17	89:12,15,18,21	74:16 89:8 93:1,1	59:10 60:23 62:25
172:20	90:9,25 91:10,12	101:23,24 102:2	68:23 120:22
situations 137:8	91:14,18 92:13,21	107:16 116:5,14	149:22,25 162:8,9
six 41:11,12 46:15	94:6,9,14 95:2	118:5 129:5	speaking 29:8
48:19 52:17 53:18	106:12,17 108:10	135:13	special 85:20
99:17 134:12	108:13 112:19,22	someplace 55:22	141:11
skeleton 104:4	113:8,20 114:5,8	75:6 97:17 158:5	specific 47:21
skid 11:17 15:15	116:3,9 117:14	173:10	52:18 113:25
115:13,16	118:25 119:12,19	somewhat 28:2	145:11 156:6
skills 23:22 175:9	119:23,25 120:7	39:7 101:16	specifically 74:4
176:6	120:12,15 124:7	123:23	140:25 141:2
sleep 129:8 138:16	124:10,19,22	sonoma 99:21	spectrum 136:1
sleeves 19:17	126:2,5 127:22	soon 5:6 21:8	speeches 73:8
slide 28:4	130:8,13 131:10	161:20	speed 15:24
slight 70:4,4	136:10,12,18,22	sorry 21:24 28:22	spend 13:11 90:6
173:10	137:10,13,17	29:25 33:25 41:2	spending 14:13
	139:12 140:22	42:3 44:22 45:21	90:22 95:18 132:5

[spending - sunday]

<p>147:21 spent 7:5 68:20 137:14 spertus 2:4,11 spertuslaw.com 2:7,14 spoke 37:7 136:15 spoken 60:20 169:25 spot 53:24 132:20 spots 55:1 132:20 spraying 110:19 spring 1:16 squatting 30:5 stable 8:16 92:18 95:4 116:22 137:8 staff 40:22 172:23 staffing 127:25 128:3 129:16 stand 12:21 46:6 108:22 122:19 standard 92:1 123:20,23 125:7 146:9,11 151:9 standards 23:25 standing 36:13 standpoint 109:13 127:19 stands 56:1 stanton 109:5 start 7:1 12:10 13:13 26:3,4 64:3 64:10 65:4,14 67:7 72:5 73:11 73:20 75:6,8 76:12,22 77:2 82:1 105:10,13 122:13 139:6,20 140:7 141:18 142:15 143:6,9 144:3 149:23</p>	<p>150:1 started 13:6 44:9 73:12,14,22 77:20 77:25 78:15,22,23 79:21 80:1 84:10 85:6 100:16,17 106:5 127:12 136:9 172:21 starting 40:14 49:2 63:22 105:8 state 10:14 11:21 12:5 13:1,2,2 21:9 22:11 27:5 30:15 41:12,15 45:1 48:6,6 61:16 72:1 85:22 96:11 108:13 113:24 116:1 175:19 statement 7:23 18:2 25:12 83:22 118:12 130:25 states 1:1 5:8,12 statewide 48:6 station 118:6 statistic 101:3 status 156:10 167:8,17 168:3,9 stay 25:5 50:11 127:5 steel 169:7 stem 88:5 step 5:9,14 6:1 12:1 15:17 38:1,3 52:25 67:21 143:21 161:3 stepped 20:16 55:15 stepping 7:22 22:2 55:9 steps 27:12,13,15 52:21 57:3</p>	<p>steve 87:4 stirring 73:13 stock 61:18 145:2 stood 40:19 41:1 stop 21:12 28:16 88:16 111:21 113:19 115:1 120:19 145:25 stopping 88:23 111:2 storage 77:6 stories 44:11 story 44:8 91:24 95:22 96:1 stovepiped 18:8 straightened 45:15 strategies 61:8 strategy 61:15 62:2 street 1:16 2:5,12 2:20 11:5 19:17 19:17 28:6 38:23 43:12 74:17 79:5 90:19 92:17 98:10 111:4,17,25 112:3 112:24 113:18 115:11,22 123:8 123:13,17 125:18 138:3 141:5 169:3 170:9,13 streets 11:4 20:5 21:20 22:6 67:13 84:3 88:12 92:19 107:5 122:15 137:7 140:5 strength 134:22 strong 104:16 119:15 120:2,3 135:24</p>	<p>strongest 25:12 strongly 145:23 structure 132:25 155:23 struggle 20:9,9,10 struggling 128:2 studio 84:20 study 17:6 118:4,9 stuff 98:13 125:14 138:17,22 stunned 101:16 subject 98:6 submissions 16:9 submit 69:24 submitted 24:16 71:19 162:19 171:20 substance 63:12 substances 35:22 substantive 14:25 substitute 13:3 succeeding 10:14 success 15:19 44:8 86:12 142:20,24 successfully 23:23 sucking 138:9 sue 108:16 suffering 19:13 sufficient 155:23 163:1 suggest 142:8 suggesting 124:14 suggestion 171:19 172:1 suing 14:3 108:21 suitable 170:6 suite 2:5,12 summary 134:12 summon 161:5 sunday 90:7 169:12</p>
--	---	---	--

[superior - test]

<p>superior 116:19 supervise 152:18 supervision 154:4 154:5,9 supervisor's 140:16 supervisory 79:8 79:17,18 82:9 supervisors 15:2 17:20 79:13 101:5 supplant 61:18 supplied 40:21 supply 100:25 123:9 support 8:11 9:24 85:2 supportive 20:17 23:8 100:18 153:10 supposed 7:6 18:23 32:13 51:5 123:8 129:3 supposedly 75:11 sure 16:20 18:21 29:24 36:4,7 39:19 55:12,22 68:13 69:4 72:13 99:4 101:4 102:4 121:2 124:5 127:2 130:3 138:18 145:8 147:13 162:8 163:7,10 166:8 167:2 surprise 28:1 survey 40:15 93:16 suspicious 129:5 swat 114:24 sweep 104:24 123:3</p>	<p>swimming 101:11 switch 173:9 switched 127:1 sworn 175:5 system 11:8 84:5 86:9 96:5 systems 130:18,19</p> <hr/> <p>t</p> <hr/> <p>t 4:7 table 25:14 26:21 60:13 66:14 95:8 97:19,20 98:9 99:9,12 100:8 112:7 121:7 132:13 134:3 138:21,21,25 147:9 take 7:24 10:3 11:23 18:14 19:3 19:7 24:21 42:9 43:10 49:8 57:3 59:7 62:3,11 67:4 67:22 69:6,10 74:5 75:15 76:5,6 77:18 78:6,8,9 85:24 91:8 92:16 93:16 99:7,11 101:19 105:5 108:15 111:25 114:2 116:5,19,21 118:4,6 122:19 129:17 130:11 136:6 137:4 141:3 141:3 149:7 151:19 154:10 159:4 165:7 taken 4:4 7:10,19 22:18,18 27:15 48:7 88:25 132:14 136:18 175:3,12 176:9</p>	<p>takes 8:22 31:5 79:19 84:18 91:24 106:23 talk 8:13 9:11 19:18 43:3 49:15 55:21 59:11 61:7 66:4 79:4 86:1 87:7,8,18,19 96:20 100:13 103:24 104:6 106:4,12 117:21,21 149:7,8 150:17 152:23 158:13 162:3,5,6 talked 59:16 79:2 79:22,23 81:11 82:15 111:19,19 113:5 122:22 142:12 143:14 149:8 talking 26:3,4 43:15,22,23 60:14 60:16 65:21 68:20 74:4 80:17 105:14 106:15,20 107:1,2 107:3,4,5,6,6 110:21 119:19 138:14 139:7,13 141:2 147:3 169:25 170:13 tangible 19:24 tape 41:17,23 47:24 48:14,16 target 154:8 task 59:4,18 116:17 tax 135:19 147:23 taxes 102:8 taxpayer 90:23 teach 114:2 tell 14:15 17:1,3 18:18 23:16,18</p>	<p>50:8,10 59:25 60:3 62:10 66:3 68:17 78:23 80:24 81:1 82:1,5,9,10 84:1 93:3 95:25 96:19,21 97:20,21 98:2,9 100:16 101:7 110:12 129:21 134:6 139:1 140:21 144:14 150:6 161:20 162:1 173:15 telling 96:1,24 97:18 128:7 template 82:1 144:3,4 ten 56:20 67:4,22 69:3,4 70:20,20 78:12 85:5 88:19 89:2 109:8,9,14 165:14 tense 154:11 tent 11:17 90:20 98:13 123:5,9,21 123:21 126:18 tents 39:7 45:5 62:22 100:5 term 16:4 39:10 87:19 100:18 152:3,7,9 154:2 terms 14:24 25:21 77:21 78:15,16,20 97:23 112:7 135:15 148:24 152:22 155:22 157:20 159:17 160:5,12 test 26:10 139:10 139:17</p>
--	--	---	---

[tested - timeline]

<p>tested 56:20 83:16 testifying 175:5 thank 5:18,22 7:14 8:10,12,23,25 13:7 13:14 15:1,6 19:7 19:8,21 24:23,24 28:14 33:14 36:3 41:8 42:24,24 43:22 45:24 46:24 68:14 71:25 72:18 103:1,6,8 128:25 141:21 150:14 151:4 159:7 163:10 173:23,24 173:25 174:5 thankful 127:14 thanking 14:9 thereof 132:21 thing 13:5 14:19 16:11 17:2 20:8 22:21,22 49:1 52:1,2,2,4 76:7 78:8 81:17,24 91:3 92:14 96:25 98:8 101:23 102:16 110:2 113:21 114:19 122:12 132:4 135:7 136:13 140:20,22 156:12 162:6 169:8 things 21:20 33:7 58:25 77:4 79:10 80:19 86:15 89:6 95:2 100:12 104:20 114:9 121:8 122:19,24 125:20 127:24 130:24 134:17 139:10 140:25 141:5 152:1 153:9</p>	<p>168:21 think 6:7 12:18 13:2 17:7,10,11 38:10 47:18 53:2 53:9 54:13,15,17 54:19,21 55:6,7,19 56:13,14 61:14 62:23 63:10 64:14 64:19 65:2 66:7 66:18 69:1 70:20 74:11 77:3 78:14 79:22,22 81:1 82:2 84:22,22 87:17 88:20 89:3 89:7,24 90:11,13 93:1,11,12,13,23 93:24 94:18 95:3 95:13,14 104:22 105:14 106:13 108:1,25 109:14 109:15 110:3 112:13 114:8 115:6 117:8,24 119:3,11 120:23 121:3,4,9 123:21 124:3,11 125:8,21 126:7,8,10,18,22 127:7 129:10,12 130:20,21 131:5,6 131:11 132:3 134:3,3 135:5,19 135:20 136:15 137:21 139:17 140:17 142:13,14 142:18,23 143:5 143:11,11 144:19 144:21,21,24 145:3,7 147:2,16 148:1,23 151:11 152:25 153:12,17 154:7,11,19 155:1</p>	<p>155:3 156:8,21 160:10,11,25 161:4 163:12,18 163:21 164:17 167:9,20,21 168:22,22 169:5 169:11,17 170:11 171:2,4,11 172:5 172:18 173:21,22 thinking 64:10 79:24 84:10 86:6 122:13 143:25 thinks 135:5 third 124:1 thought 9:7 40:24 61:7 79:19 80:5 80:14 81:7,23 83:19 92:23 94:3 127:16 140:12 143:12 158:7 169:13 thoughtful 171:12 thousand 97:10 thousands 98:17 threat 141:15 three 31:7,9 38:12 49:3 52:17 73:22 81:10 83:13 84:5 90:4 96:8 98:7 99:17 101:7,11 105:11 113:11 115:4 119:18 124:8,11 140:2 152:15 161:8 throw 79:9 81:25 85:24 139:11 throwing 88:4 thrown 72:10 80:12,19 106:6 throws 129:5</p>	<p>thursday 1:12 169:15 ticket 120:18 tickets 121:19 tied 86:5 tighter 50:19 time 1:13 6:11 8:22 9:2 12:10,11 13:11 14:14 15:23 17:23 23:14 25:23 28:15 33:6,6,16 35:6 36:2 41:9 48:18 54:14 59:6 63:23 66:10 67:5 68:2,20 72:10 74:13 77:19 80:7 80:16,24 81:16 82:3 86:19 88:25 90:14 91:4 92:5 92:25 107:18 112:4,21,24 113:21 115:14 118:4,5,11 128:3 131:7 132:12,17 133:18 134:20 137:3,8 141:20 143:18 144:8 147:6 149:18 150:21 152:12,13 152:14,16,22 153:15 154:2,18 158:6 161:8 162:11 164:12,14 165:3,6,12 167:6,8 172:16,17,20,22 172:23,25 173:11 173:23 174:7 timeframes 61:4 timeline 60:3,5 69:15 142:10,12 153:3,8,10 157:20</p>
---	--	---	--

[timeline - unconnected]

159:6,12,18 160:13 timelines 16:7 59:17 timeout 119:21 times 6:18 78:12 83:13 108:1 147:17 155:11 timing 156:19 today 5:3,5,10,14 5:23 6:1,5 7:7,18 7:20 14:24 19:9 19:16 23:2,20 24:20 26:4,11 36:8 37:11 47:13 53:22 59:5 61:6 62:1,8 66:13,15,16 67:21 69:19 70:17 100:9 104:1 127:14 143:10,20 159:8 toilet 98:15 100:23 100:25 101:17 toilets 45:7 98:17 token 13:10 92:8 110:5 136:7 told 22:22 43:13 53:6 88:8,9 91:5 95:22 111:7 128:20,24 148:19 169:18 170:2 tolerance 13:11 tom 87:4 tomorrow 26:14 37:12 161:17,18 161:23 tonight 26:10,13 127:4 top 133:5 topic 124:4 127:11	total 70:16 87:25 107:7 touch 19:1 122:12 157:21 158:21 touched 140:18 touchy 104:6 tough 74:15 75:7 104:10 towels 123:6,9 town 22:8 towns 11:21 toxic 35:21 64:24 70:9 tr 139:9 track 116:22 trades 97:9 trail 99:22 trailers 92:4,7,9 97:17 trained 113:11 transcriber 176:1 transcript 70:15 176:3,5 transcriptionist 175:7 transfer 36:6 transient 75:21 116:23 transit 41:4 trapped 77:8 trash 16:16 123:22 trashcan 122:21 125:6 trauma 117:22 treat 10:4,8,16 75:16 treated 81:14 97:23 treating 53:7 tremendous 110:13 135:25	172:24 trials 5:20 tried 130:24 trouble 165:18,20 troubling 11:19 true 12:22 19:24 23:10 175:8 176:5 trust 159:6 truth 11:11 try 15:22 46:11 92:4 98:23 116:9 117:11 140:14,15 143:10 144:1,16 trying 41:13,14 51:10 68:17 72:3 78:15,21 81:19 95:3 98:22 128:2 147:19 155:14 162:2 tuberculosis 49:5 tuesday 90:9 157:25 158:23 164:18,18,18,24 164:25 165:2 167:10,10,11,13 168:11,20 turf 144:2 turn 16:1 29:6,7 29:10,13,16,22 47:10 50:7 51:15 51:19,22,22 66:2 71:24 74:2 136:11 151:2 turnaround 70:17 turned 11:12 109:24 128:22 turning 65:14 twice 107:7 two 14:7 17:13 27:21 31:5 38:10 47:15 51:11 53:3	60:14 66:11 69:10 69:22,25 70:1,2 71:8,10 80:22,24 80:25 81:1 83:11 84:5,8 90:4 98:7 103:20 110:20 112:16 114:6 115:4,16 116:18 117:12,15 124:10 125:24,24 136:19 137:4 138:6 150:21 152:15 153:5 171:9 173:13 type 151:24 153:2 156:5,6,9 157:13 types 171:15 typewriting 175:6 typical 90:4 109:8 typically 41:10
u			
ucl 49:7 ucla 49:7 89:22 uh 29:15 97:15 99:1 umhofer 2:4,10,11 67:2 142:18,23 143:2,5,8,25 144:6 144:15 150:8,11 150:14 152:12,14 152:17 154:1,17 155:5 158:9,12 160:19 164:16,24 165:1,4,7,13 166:11,14,17,22 167:9,12,15,19,23 168:6,8,11,14,19 unanimity 68:15 unanimous 139:5 unconnected 155:10			

[unconstitutional - walking]

unconstitutional 104:19 108:17,19	144:23 145:5 171:22,24	131:23 159:20	vet 114:18
underestimated 88:22	unidentified 3:24 3:25 59:10 60:23	useful 87:12 115:2	veteran 97:22
underhoused 130:16	62:25 68:23	uses 70:9	veterans 10:20 97:23 98:10
underlying 21:8	120:22 149:22,25	usually 90:20 116:19	vice 14:11 18:18 133:21
underneath 28:5	162:8,9	utilize 23:22 46:17	vicinity 123:23
28:18,23,25 29:20	uniform 10:20	utilized 38:20	vinatieri 7:14
30:1,2,11,13,19,21	uniformity 103:12	v	violation 114:21
32:12 33:1,15,22	unincorporated 143:3 148:10	v 1:7	violations 115:9 115:24
35:1 37:4 43:12	149:1,10 151:22	va 97:21 98:2 100:5 138:21	vision 14:16 137:6
43:24 44:2,5,21,24	156:20 160:11	vacant 87:22 129:25 130:1	visit 40:10
45:15 49:11,25	union 56:19 83:15	132:1,2	visiting 14:12
53:7 54:16	unit 100:13 102:5 102:8 114:11	vaguely 152:25	vocal 109:17
underpass 35:2 50:1	united 1:1 5:8,12	valid 80:9	voluntarily 113:18
underpasses 57:10	units 15:8 85:2,3,4 99:14	valuable 79:19	voluntariness 105:23
understand 6:14 24:20 27:14,23	unlimited 112:4 129:6	value 98:8 112:2 160:5	volunteer 115:19
43:8,20 46:13	unoccupied 12:8	van 30:10,10,13 30:18	voted 135:17
66:1 71:23 81:16	unsheltered 28:21 45:1 107:7,9	vantage 35:4	voters 23:8
86:20 101:22	untouched 11:22	varicks 87:4	vulnerable 24:1
107:10,11,23	unwavering 11:1	variety 16:6	w
120:8 129:5	unwind 44:10	varying 106:4	w 176:2,15
understandable 146:17	unworkable 82:18 140:17	vast 9:14	wage 84:15,16,17
understanding 13:22 124:13 163:6	update 167:21	vehicle 20:22 30:9 30:18	wagons 111:4
understood 40:23 46:9 139:6	upheld 24:18	vehicles 31:7 115:1	wait 56:8,10,12 80:23,25 92:24 94:4 100:2
undue 22:1,5	uphold 19:12 23:11 24:3,17	venice 114:18 115:17	waiting 46:10 53:18 59:20 93:3 132:10
unfair 141:23	upscale 131:16,20	verify 110:21	waits 56:14
unfed 10:19	urban 11:18	versa 133:21	waive 25:14
unfit 128:20,24	use 12:7 23:20 36:10,11 37:17,18	version 110:16,16 110:17	walk 19:17 21:18 31:2 81:15 138:16 167:3
unforeseen 157:9	39:9 45:8 67:16	versus 73:16 77:4 90:24 91:1 118:5	walked 155:2
unfortunately 110:17	71:2,2,18,19 72:5	123:16 132:24,25	walking 52:23 101:15 110:21 132:23 133:19
unhoused 24:11 93:13,24 130:16	78:19 83:19,24 108:24 131:5,12	135:25 153:16	

[walks - window]

walks 110:24	158:7 163:20,24	140:1 142:19,24	weeks 10:2 69:10
wall 134:18	164:3,16 165:8	143:22 144:5,10	69:25 70:1,2,17
wandering 110:19	166:9 170:3,17,19	150:18 151:8,12	71:8,11 142:2
wanders 110:15	wanted 19:7 100:9	154:6 160:9	173:13
want 5:18,20 6:8	105:4 108:5,6,7	ways 18:13 23:13	weight 16:25
6:14 8:10,18 9:6	134:1 168:24	139:17	weitzman 3:23
9:10 10:3,10 13:6	169:1,21 170:6,20	we've 5:20 27:11	121:15,25 122:3
13:8,13 14:9 15:1	170:24	27:18 41:11 45:15	125:8,13 126:24
15:6,6 18:17,24	wanting 9:16	47:20 64:2 65:20	152:25 155:1,6
19:3,4,5,7 26:25	wants 11:23 15:17	81:24 82:14,15	welcome 46:18
27:2 29:11 33:13	87:1 112:9 136:16	88:25 90:15 98:14	103:3
35:23 36:1 41:6	170:22 173:9,12	98:14,15,15 99:16	went 35:18 40:10
41:15 42:10,15,24	warehouse 92:24	103:23 105:14	62:21 88:20 98:2
46:17,24 47:6	warehouses 86:9	110:14 114:14	98:4 111:18
48:17 50:4,5,10	warrants 90:4	120:15 122:6	west 2:5,12 3:5
51:9 53:5,9 55:9	wash 22:19	124:3,8 129:9	whack 64:7
55:21 56:2,3 59:8	washington 96:12	131:4 133:23	wheel 90:16
59:9,14,17,17,18	waste 173:11	137:13,23,24	wheelchair 75:3
59:19,21 61:25	wasting 25:23	141:3 147:2	whittier 7:8,16,17
66:8,10,11,20,24	80:24,25	148:19 149:5	7:22 8:16 108:2
66:25 67:5 69:5,8	watch 79:11 117:2	151:7 154:7,18,20	113:4,22 148:7
70:14 71:1 72:8	127:21,24	154:20 157:12	whoops 129:7
74:2 75:15 77:5,7	watched 102:12	162:5 171:19	wide 80:12 81:6
77:11,18,22,23,23	watching 44:10	172:9	82:7 139:21
77:24 78:8,9,22	110:5	weakness 14:22	141:14
82:8,11 91:8	water 98:14	wear 29:5	widening 11:10
92:10 94:4 96:22	way 8:3 9:19	wearing 6:1	width 30:24
96:22,23,25 97:1	14:17 20:7 21:1	weatherman 49:8	wild 139:11,14
99:13 103:24	34:18 35:4 36:14	wednesday 59:5	willing 21:10,23
104:6,7 105:13,20	43:4 48:16,18	158:25 159:2	21:25 37:13 57:19
106:5,12,19	49:8 51:9 62:8	167:7,13,21 168:6	61:6 62:5 83:21
108:15 113:22	68:15 74:25 75:4	168:7,8	113:16 132:6
119:15,16,21	76:25 77:3 82:2	week 37:12 69:7	149:7,8
120:2,5 121:5,7	84:23 86:6 87:11	69:22,25 70:19	willingness 8:13
123:3 124:1 126:8	91:5 97:23 98:24	71:6 85:14 97:13	25:22
130:3 133:14	103:5 105:17	99:3 117:15	wilmington
134:8 139:17	111:10,20 122:14	141:20,25 161:14	101:20,21
140:14 141:3,21	122:20 125:24	161:16,16,18,22	win 134:10
141:24 142:10,15	133:6,18,20 134:3	169:15	wind 49:8
145:7 150:17	136:1,5 137:17,22	weekend 59:22	window 24:20
156:18 157:14	138:3 139:18,19		106:6

[windstorm - zoom]

windstorm 87:5 winner 134:11 winter 126:14 wisdom 140:18 wiser 142:5 wish 12:24 52:20 92:6 withdrawn 170:7 withdrew 128:10 173:2 witness 4:2 175:4 witnesses 54:18 woman 135:14 women 88:1 wonder 101:8 wonderful 14:19 27:5 78:23 95:22 word 28:9 53:5 76:3 78:19 104:4 108:4,24 109:6 wording 160:9 words 7:12 26:5 39:7 40:13 80:10 104:24 113:15 122:14 127:20 128:1 154:15 158:4 wore 10:20 work 7:2 12:23 13:6 24:15 32:24 33:8 37:13 48:8 48:17 53:3,24 56:3 59:22 60:18 67:24 76:1 78:4 82:25 83:2,3 84:14 103:15,15 103:18,19,20 113:16 117:17 129:18,19 134:1 137:11 140:9,10 140:11 142:2,5,13	144:1 149:10,21 149:24 154:22 156:8,17,25 157:12 162:6 worked 7:10 82:21 133:17 working 12:16 13:9 14:5 22:12 22:13 97:9 119:11 133:23 140:19,20 141:20 153:1 works 114:10 115:6 world 138:22 worried 94:11,12 worry 25:8 72:19 72:21 150:13 worse 21:2 86:22 86:23 worth 8:23 95:12 wouldn't 142:1 wounds 133:25 wow 91:7 wrapped 50:19 wrenching 10:18 wrestle 94:5 wrestling 142:15 write 25:18 79:7,7 104:9,13 108:6,7 111:23,24 135:1 writing 16:15 114:20 written 12:25 16:11 114:14 wrong 78:23 79:16 110:18 112:15 121:17 130:9 160:8 wrongs 116:24 wrote 79:6,6	x	88:19,20 96:10 101:9,12 103:20 105:11 113:11 115:5 119:18 136:19 137:4 152:15,15
		x 4:1,7 77:23 88:18 98:17 104:15 125:25	yelling 135:12 139:6 yesterday 49:23 86:3 109:3 145:19 149:8 york 131:18 young 3:3 25:24 26:8,23 35:20,25 54:12 95:17,23 98:21 143:16 145:9 146:7,10,19 147:1,4 149:2,19 150:1,3 151:4,11 151:16,18 152:8 152:11,13,20 153:5,24 155:13 155:19 156:14,25 157:19,20 158:15 158:20,24 159:4 161:14,16,19 164:23 165:6,9,15 165:17,21,23,25 166:2,4,10,13,16 166:23 167:1,5,18 167:20,25 168:2 168:10,13,15 youth 10:21
		y 77:23 104:15 125:25 yeah 18:21,22,25 29:11 34:9 35:17 35:23 36:1 40:1 42:12 50:5,10 51:21 54:7 58:9 68:21 72:17 82:12 91:15,18,19,23 96:17 97:8 100:3 102:25 103:4,8 108:11 120:19 124:9 127:23 129:25 130:4,13 136:17 137:9,12 137:16 142:2 145:11,12 147:4 149:25 150:3 151:10 155:5,13 159:7 161:6,13 163:21 165:25 167:23,25 168:10 168:10,15 173:18 year 41:13 48:6,12 64:3 84:7 85:10 85:23 88:9 89:2 114:18 117:12 134:13 137:5 years 14:7 15:21 17:13 22:12 49:3 49:3 59:2 62:3 64:2 73:22 75:9 80:22,24,25 81:2 81:11 83:1,1,11 84:5,8 85:5 88:19	
		y	z
			z 77:24 104:16 125:25 zero 65:16 zip 80:20,20 82:8 zones 73:17 zoom 7:5,6 158:10 158:18 164:22